

# LOCAL GOVERNANCE STATEMENT



# APPENDICES 2009

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## HAURAKI DISTRICT COUNCIL CODE OF CONDUCT

### PART ONE: INTRODUCTION

Schedule 7 of the Local Government Act 2002 (the Act) requires each local authority to adopt a code of conduct. Once adopted, all elected members are required to comply with the code.

This code of conduct provides guidance on the standards of behaviour that are expected from the Mayor and elected members of the Hauraki District Council. The code applies to elected members in their dealings with:

- each other
- the Chief Executive
- all staff employed by the Chief Executive on behalf of the council
- the media
- the general public.

The objective of the code is to enhance:

- the effectiveness of the council as the autonomous local authority with statutory responsibilities for the good local governance of the Hauraki District
- the credibility and accountability of the council within its community
- mutual trust, respect and tolerance between the elected members as a group and between the elected members and management.

This code of conduct seeks to achieve its objectives by recording:

- an agreed statement of roles and responsibilities (recorded in Part Two of the code)
- agreed general principles of conduct (recorded in Part Three of the code)
- specific codes of conduct applying to particular circumstances or matters (also recorded in Part Three of the code).

Elected members are primarily accountable to the electors of the district through the democratic process. However, members must note that the Auditor-General may hold them to account for unlawful actions or expenditure or for breaches of the Local Authorities (Members' Interests) Act 1968.

The code of conduct that follows is based on the following general principles of good governance:

- **Public interest.** Members should serve only the interests of the district as a whole and should never improperly confer an advantage or disadvantage on any one person.
- **Honesty and integrity.** Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

- **Objectivity.** Members should make decisions on merit including making appointments, awarding contracts, or recommending individuals for rewards or benefits. Elected members should also note that, once elected, their primary duty is to the interests of the entire district, not the ward that elected them.
- **Accountability.** Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should cooperate fully and honestly with the scrutiny appropriate to their particular office.
- **Openness.** Members should be as open as possible about their actions and those of the council, and should be prepared to justify their actions.
- **Personal judgment.** Members can and will take account of the views of others, but should reach their own conclusions on the issues before them, and act in accordance with those conclusions.
- **Respect for others.** Members should promote equality by not discriminating unlawfully against any person and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation, or disability. They should respect the impartiality and integrity of the council staff.
- **Duty to uphold the law.** Members should uphold the law, and on all occasions, act in accordance with the trust the public places in them.
- **Stewardship.** Members must ensure that the council uses resources prudently and for lawful purposes, and that the council maintains sufficient resources to meet its statutory obligations.
- **Leadership.** Members should promote and support these proposals by example, and should always endeavour to act in the best interests of the community.

## PART TWO: ROLES AND RESPONSIBILITIES

This part of the code describes the roles and responsibilities of elected members, the additional roles of the Mayor and Deputy Mayor, and the role of the Chief Executive.

### **Elected Members**

Elected members, acting as the council, are responsible for:

- the development and adoption of council policy
- monitoring the performance of the council against its stated objectives and policies
- prudent stewardship of council resources
- employment of the Chief Executive
- representing the interests of the residents and ratepayers of the Hauraki District Council. (On election, the members' first responsibility is to the district as a whole.)

Unless otherwise provided in the Local Government Act 2002 or in standing orders, the council can only act by majority decisions at meetings. Each member has one deliberative vote, additionally the chairperson at any meeting, in the case of equality of votes, has a casting vote. Any individual member (including the Mayor) has no authority to act on behalf of the council unless the council has expressly delegated such authority.

### **Mayor**

The Mayor is elected by the district as a whole and as one of the elected members shares the same responsibilities as other members of council. The Mayor also has the following roles as a:

- presiding member at council meetings. The Mayor is responsible for ensuring the orderly conduct of business during meetings (as determined in standing orders);
- advocate on behalf of the community. This role may involve promoting the community and representing its interests. Such advocacy will be most effective where it is carried out with the knowledge and support of the council;
- ceremonial head of council;
- providing leadership and feedback to other elected members on teamwork and chairmanship of committees; and
- Justice of the Peace (while the Mayor holds office).

The Mayor must follow the same rules as other elected members about making public statements and committing the council to a particular course of action.

### **Deputy Mayor**

The Deputy Mayor must be elected by the members of council, at the first meeting of the council. The Deputy Mayor exercises the same roles as other elected members, and if the Mayor is absent or incapacitated, the Deputy Mayor must perform all of the responsibilities and duties, and may exercise the powers, of the Mayor (as summarised above). The Deputy Mayor may be removed from office by resolution of council.

### **Committee Chairpersons**

The council may create one or more committees of council. A committee chairperson presides over all meetings of the committee, ensuring that the committee acts within the powers delegated by council. Committee chairpersons may be called on to act as an official spokesperson on a particular issue. They may be removed from office by resolution of council.

### **Chief Executive**

The Chief Executive is appointed by the council in accordance with section 42 of the Local Government Act 2002. The Chief Executive is responsible for implementing and managing the council's policies and objectives within the budgetary constraints established by the council. In terms of section 42 of the Act, the responsibilities of the Chief Executive are:

- implementing the decisions of the council
- providing advice to the council
- ensuring that all responsibilities, duties and powers delegated to the Chief Executive or to any person employed by the Chief Executive, or imposed or conferred by any Act, regulation or bylaw are properly performed or exercised
- managing the activities of the local authority effectively and efficiently
- maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the local authority
- providing leadership for the staff of the local authority
- employing staff on behalf of the local authority (including negotiation of the terms of employment for the staff of the local authority).

Under section 42 of the Local Government Act 2002 the Chief Executive employs all other staff on behalf of the local authority.

## PART THREE: RELATIONSHIPS AND BEHAVIOURS

This part of the code sets out the council's agreed standards of behaviour. Some of the matters described in this part of the code reflect other legislation such as the Local Authorities (Members' Interests) Act 1968. The majority of the code is material that the council has decided to include of its own initiative.

### **Relationships with Other Members**

Successful teamwork is a critical element in the success of any democratically elected organisation. No team will be effective unless mutual respect exists between members. With this in mind elected members will conduct their dealings with each other in ways that:

- maintain public confidence in the office to which they have been elected
- are open and honest
- focus on issues rather than personalities
- avoid aggressive, offensive or abusive conduct.

### **Relationships with Staff**

The effective performance of council also requires a high level of cooperation and mutual respect between elected members and staff. To ensure that level of cooperation and trust is maintained, elected members will:

- recognise that the Chief Executive is the employer (on behalf of council) of all council employees, and as such only the Chief Executive may hire, dismiss or instruct or censure an employee
- make themselves aware of the obligations that the council and the Chief Executive have as employers and observe those requirements at all times
- treat all employees with courtesy and respect (including the avoidance of aggressive, offensive or abusive conduct towards employees)
- observe any guidelines that the Chief Executive puts in place regarding contact with employees, not do anything which compromises, or could be seen as compromising, the impartiality of an employee
- avoid publicly criticising any employee in any way, but especially in ways that reflect on the competence and integrity of the employee
- raise concerns about employees only with the Chief Executive, and concerns about the Chief Executive only with the Mayor or the Chief Executive Review Committee.

Elected members should be aware that failure to observe this portion of the code of conduct may compromise the council's obligations to act as a good employer and may expose the council to civil litigation and audit sanctions.

### **Relationships with the Community**

Effective council decision-making depends on productive relationships between elected members and the community at large.

Members should ensure that individual citizens are accorded respect in their dealings with the council, have their concerns listened to, and deliberated on in accordance with the requirements of the Act.

Members should act in a manner that encourages and values community involvement in local democracy.

### **Contact with the Media**

The media plays an important part in local democracy. In order to fulfill this role the media needs access to accurate, timely information about the affairs of council. From time to time, individual members will be approached to comment on a particular issue either on behalf of council, or as an elected member in their own right. This part of the code deals with the rights and duties of councillors when speaking to the media on behalf of council, or in their own right.

The following rules apply for media contact *on behalf of council*:

- the Mayor is the first point of contact for the official view on any issue. Where the Mayor is absent, any matters will be referred to the Deputy Mayor or relevant committee chairperson
- the Mayor may refer any matter to the relevant committee chairperson or to the Chief Executive for their comment
- no other member may comment *on behalf of council* without having first obtained the approval of the Mayor or Deputy Mayor in the Mayors absence.

Elected members are free to express a *personal view* in the media, at any time, provided the following rules are observed:

- media comments must not state or imply that they represent the views of council
- where an elected member is making a statement that is contrary to a council decision or council policy, the member must not state or imply that his or her statements represent a majority view
- media comments must observe the other requirements of the code of conduct, e.g. not disclose confidential information, or compromise the impartiality or integrity of staff.

### **Confidential Information**

In the course of their duties members will occasionally receive information that may need to be treated as confidential. This will generally be information that is either commercially sensitive or is personal to a particular individual or organisation.

Elected members must not use or disclose confidential information for any purpose other than the purpose for which the information was supplied to the elected member.

Elected members should be aware that failure to observe these provisions will impede the performance of council by inhibiting information flows and undermining public confidence in the council. Failure to observe these provisions may also expose council to prosecution under the Privacy Act 1993 and/or civil litigation.

### **Conflicts of Interest**

Elected members must be careful that they maintain a clear separation between their personal interests and their duties as an elected member. This is to ensure that people who fill positions of authority carry on their duties free from bias (whether real or perceived). Members therefore need to familiarise themselves with the provisions of the Local Authorities (Members' Interests) Act 1968 which concerns financial interests, and with other legal requirements concerning non-financial conflicts of interest.

The Act provides that an elected member is disqualified from office, or from election to office, if that member is concerned or interested in contracts under which payments made by or on behalf of the local authority exceed \$25,000 in any financial year.

Additionally, elected members are prohibited from participating in any council discussion or vote on any matter in which they have a pecuniary interest, other than an interest in common with the general public. The same rules also apply where the member's spouse contracts with the authority or has a pecuniary interest. Members must declare their interests at council meetings where matters in which they have a pecuniary interest arise.

Members shall annually make a general declaration of interest as soon as practicable after becoming aware of any such interests. These declarations are recorded in a register of interests maintained by council. The declaration must notify the council of the nature and extent of any interest, including:

- any employment, trade or profession carried on by the member or the member's spouse for profit or gain
- any company, trust, partnership etc for which the member or their spouse is a director, partner, trustee or beneficiary
- the address of any land in which the member has a beneficial interest and which is in the Hauraki District Council boundaries
- the address of any land where the landlord is the Hauraki District Council and:
  - *the member or their spouse is a tenant, or*
  - *the land is tenanted by a firm in which the member or spouse is a partner, or a company of which the member or spouse is a director, or a trust of which the member or spouse is a trustee or beneficiary*
- any other matters which the public might reasonably regard as likely to influence the member's actions during the course of their duties as a member.

If the member is in any doubt as to whether or not a particular course of action (including a decision to take no action) raises a conflict of interest, then the member should seek guidance from the Chief Executive *immediately*.

Members may also contact the Audit Office for guidance as to whether that member has a pecuniary interest. If there is a pecuniary interest, the member may seek an exemption from the Audit Office to allow that member to participate or vote on a particular issue in which they may have a pecuniary interest. The latter must be done before the discussion or vote. Members must also seek approval from the Audit Office for contractual payments to themselves, their spouses or their companies that exceed the \$25,000 annual limit. The Chief Executive can assist the Member with this if requested.

Failure to observe the requirements of the Local Authorities (Members' Interests) Act 1968 could potentially invalidate the particular decision made, or the action taken, by council. Failure to observe these requirements could also leave the elected member open to prosecution under the Local Authorities (Members' Interests) Act 1968. In the event of a conviction elected members can be ousted from office.

### **Standing Orders**

Elected members must adhere to any standing orders adopted by council under the Local Government Act 2002. These standing orders are subject to the same legal requirements as a code of conduct with regard to their adoption and amendment.

### **Ethics**

Hauraki District Council seeks to promote the highest standards of ethical conduct amongst its elected members. Accordingly, elected members will:

- claim only for legitimate expenses as laid down by any determination of the Remuneration Authority then in force, and any lawful policy of council developed in accordance with that determination
- not influence, or attempt to influence, any council employee to take actions that may benefit the member, or the member's family or business interests
- not use council resources for personal business (including campaigning)
- not solicit, demand, or request any gift, reward or benefit by virtue of their position
- notify the Chief Executive if any gifts are accepted
- where a gift to the value of \$200 or more is offered to a member, immediately disclose this to the Chief Executive for inclusion in the publicly available register of interests.

### **Disqualification of Members from Office**

Elected members are automatically disqualified from office if they are convicted of a criminal offence punishable by two or more years imprisonment, or if they cease to be or lose their status as an elector or of certain breaches of the Local Authorities (Members' Interests) Act 1968.

Under the Local Government Act 2002, local authorities, when adopting a code of conduct, must consider whether or not they will require members to declare whether they are an undischarged bankrupt. Hauraki District Council believes that bankruptcy does raise questions about the soundness of a person's financial management skills and their judgment in general. The council therefore requires elected members who are declared bankrupt to notify the Chief Executive as soon as practicable after being declared bankrupt.

## **PART FOUR: COMPLIANCE AND REVIEW**

This part deals with ensuring that elected members adhere to the code of conduct and mechanisms for the review of the code of conduct.

### **Compliance**

Elected members must note that they are bound to comply with the provisions of this code of conduct (Local Government Act 2002, Schedule 7, section 15(4)).

Members are also bound by the Local Government Act 2002, the Local Authorities (Members' Interests) Act 1968, the Local Government Official Information and Meetings Act 1987, the Secret Commissions Act 1910, the Crimes Act 1961 and the Securities Act 1978. The Chief Executive will ensure that an explanation of these Acts is made at the first meeting after each triennial election and that copies of these Acts are freely available to elected members. Short explanations of the obligations that each of these has with respect to conduct of elected members is attached in the Appendix to this code.

Compliance will be monitored by the Conduct Review Committee. This committee will comprise of the membership of deputy mayor, and chairpersons of the Ward Committees. The Mayor will be an ex-officio member.

### **Responses to Breaches of the Code**

The exact nature of the action the council may take depends on the nature of the breach and whether there are statutory provisions dealing with the breach.

Where there are statutory provisions:

- breaches relating to members' interests render members liable for prosecution by the Auditor-General under the Local Authority (Member's Interests) Act 1968
- breaches which result in the council suffering financial loss or damage may be reported on by the Auditor-General under the Local Government Act 2002, which may result in the member having to make good the loss or damage
- breaches relating to the commission of a criminal offence may leave the elected member liable for criminal prosecution.

In these cases the council may refer an issue to the relevant body, any member of the public may make a complaint, or the body itself may take action of its own initiative.

Where there are no statutory provisions, the council may take the following action:

- censure
- removal of the elected member from council committees and/or other representative type bodies
- dismissal of the elected member from a position as Deputy Mayor or Chair of a committee.

A decision to apply one or more of these actions requires a council resolution to that effect.

## Complaints

Any member of the public may make a complaint about an alleged breach by a Elected Member of the Code of Conduct. A complaint may not be made about any other matter dealt with under Statute.

Complaints should be addressed to the Chief Executive and must:

- Be in writing.
- Include the name and contact details of the complainant
- Specify the Elected Member about whom the complaint is being made.
- Specify the alleged breach of the Code.
- Contain corroborating evidence to support the allegation of a breach.

On receipt of a complaint the Chief Executive must refer the complaint to the Conduct Review Committee to investigate the complaint. The Chief Executive must at this time send acknowledgement to the Complainant and a letter to the Elected Member concerned, notifying them that the Conduct Review Committee has been informed of the complaint and explaining the process that is to be followed.

The Conduct Review Committee must make a decision as to the validity of the complaint and on how to proceed with the matter. This decision must be based on an initial investigation of the complaint. If the complaint is not to be investigated further, the Conduct Review Committee must advise the complainant and the concerned Elected Member about the decision.

Reasons for refusing to continue with the investigation include:

- That the complaint is frivolous or vexatious
- That the complaint concerns a matter outside the scope of the Code
- That the matter is already being dealt with under the Code or any other process; or
- That there has been undue delay in making the complaint.
- Any other reason that leads the Conduct Review Committee to believe the complaint can not be upheld

If the complaint is to be investigated further, the Conduct Review Committee must conduct investigations and prepare a report which makes findings on matters of fact and provides the Committee decision on whether or not the Code of Conduct has been breached as alleged.

The Chief Executive must then make the report available on the agenda for the first Council meeting that is scheduled from the date on which he or she received the report which will be an open meeting of council, except where the alleged breach relates to the misuse of confidential information or could impinge on the privacy of a member of staff or of the general public.

The Chief Executive must ensure all reasonable assistance that is necessary in the circumstances is provided to enable a person who wishes to make a complaint, to put their complaint in writing.

The Chief Executive must also forward a copy of the report to both the Complainant and the Elected Member concerned.

### **Review**

Once adopted, a code of conduct continues in force until amended by the council. The code can be amended at any time but cannot be revoked unless the council replaces it with another code. Once adopted, amendments to the code of the conduct require a resolution supported by 75 per cent or more of the members of the council present.

Council will formally review the code as soon as practicable after the beginning of each triennium. The results of that review will be presented to council for their consideration and vote.

### **Document management and control**

This should include:-

- Sponsor: Chief Executive
- Approved By: Hauraki District Council
- Date Confirmed: 19<sup>th</sup> December 2007
- Review Date: November 2010
- Previous reviews: 1<sup>st</sup> March 2007;
- File Ref: 377628
- Property of Hauraki District Council

## APPENDIX TO THE CODE: LEGISLATION BEARING ON THE ROLE AND CONDUCT OF ELECTED MEMBERS

This is a summary of the legislation requirements that has some bearing on the duties and conduct of elected members. Copies of these statutes can be found in the council library or in the office of the Chief Executive.

### **Local Authority (Members' Interests) Act 1968**

This Act<sup>1</sup> regulates situations where a member's personal interests impinge, or could be seen as impinging on their duties as an elected member.

The Act provides that an elected member is disqualified from office if that member is concerned or interested in contracts under which payments made by or on behalf of the local authority exceed \$25,000 in any financial year.

Additionally, elected members are prohibited from participating in any council discussion or voting on any matter in which they have a pecuniary interest, other than an interest in common with the general public. The same rules also apply where the member's spouse contracts with the authority or has a pecuniary interest.

Members may also contact the Audit Office for guidance as to whether that member has a pecuniary interest, and if so, may seek an exemption to allow that member to participate or vote on a particular issue in which they may have a pecuniary interest. The latter must be done before the discussion or vote. The Member must also seek approval from the Audit Office for contractual payments to themselves, their spouses or their companies that exceed the \$25,000 annual limit.

Failure to observe these requirements could also leave the elected member open to prosecution under the Local Authority (Members' Interests) Act 1968. In the event of a conviction elected members can be ousted from office.

### **Local Government Official Information and Meetings Act 1987**

The Local Government Official Information and Meetings Act 1987 sets out a list of meetings procedures and requirements to be followed. Of particular importance for the roles and conduct of elected members is the fact that the Chair has the responsibility to maintain order at meetings, but all elected members should accept a personal responsibility to maintain acceptable standards of address and debate. No elected member should:

- create a disturbance or a distraction while another councilor is speaking
- be disrespectful when they refer to each other or other people
- use offensive language about the council, other councillors, any employee of the council or any member of the public.

### **Secret Commissions Act 1910**

Under this Act it is unlawful for an elected member (or officer) to advise anyone to enter into a contract with a third person and receive a gift or reward from that third person as a result, or to present false receipts to council.

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<sup>1</sup> The Audit Office publication *Financial Conflicts of Interests of Members of Governing Bodies* (2001) provides further guidance on this Act.

If convicted of any offence under this Act a person can be imprisoned for up to 2 years, or fines up to \$1000, or both. A conviction therefore would trigger the ouster provisions of the Local Government Act 2002 and result in the removal of the member from office.

### **Crimes Act 1961**

Under this Act it is unlawful for an elected member (or officer) to:

- accept or solicit for themselves (or anyone else) any gift or reward for acting or not acting in relation to the business of council
- use information gained in the course of their duties for their, or another persons, monetary gain or advantage.

These offences are punishable by a term of imprisonment of 7 years or more. Elected members convicted of these offences will also be automatically ousted from office.

### **Securities Act 1978**

The Securities Act 1978 essentially places elected members in the same position as company directors whenever council offers stock to the public. Elected members may be personally liable if investment documents such as a prospectus contain untrue statements and may be liable for criminal prosecution if the requirements of the Act are not met.

## COUNCIL ORGANISATIONS INDICATIVE LIST

Creative NZ  
Joint Golden Cross Mine and Closure Committee  
Tourism Coromandel  
Hauraki Gulf Forum  
Safer Hauraki Community Council  
Waihi Mine Forum Consultative Committee  
Paeroa Domain Users Group  
Rotokohu Sports Ground Management Committee  
Mackaytown Reserve Committee  
Netherton Reserve Committee  
Centennial Park Trust Board  
Golden Cross Mine Community Consultative Group  
Positive Paeroa  
Paeroa Swimming Pool Users Group  
Community Corrections Liaison Committee  
Waihi Community Swimming Baths  
Waihi Arts Centre and Museum  
Whiritoa Emergency Management Com  
Mining Liaison Committee  
Gilmour Park Advisory Committee  
Morgan Park Field Assessment Team  
Go Waihi  
Mangatarata Reserve Committee  
Kerepehi Reserve Committee  
Waitakaruru Reserve Committee  
Hugh Hayward Domain Committee  
Turua Reserve Committee  
Patetonga Reserve Committee  
Kaihere Reserve Committee  
Regional Partnership Programme  
Waitawheta Camp Committee

## JOINT COMMITTEE TERMS OF REFERENCE

### - Hauraki Coromandel Development Group

#### **Purpose**

- 1) To ensure that the Hauraki District Council and Thames-Coromandel District Council:
  - a) Drive economic development in the Thames Valley Region;
  - b) Implements the findings of the Regional Economic Development Strategy; and
  - c) Facilitates cross-border cooperation on economic development, where mutually beneficial.

#### **Term of Appointment**

The term of the Committee shall be reviewed in November 2010.

#### **Responsibilities**

On behalf of the Hauraki District Council and Thames-Coromandel District Council, the Hauraki Coromandel Development Group shall have responsibility for:

1. Providing a forum for Councils, Iwi and others to discuss economic development in the Region;
2. Implementing the sub-regional Economic Development Strategy prepared in March 2007. Key areas of focus include:
  - a. Aquaculture;
  - b. Minerals in Hauraki;
  - c. Leadership;
  - d. Customer Service;
3. Completing an Action Plan for economic development in the Region;
4. Working with the Waikato Regional Governance Group for regional Economic Development;
5. Securing financial support for economic development initiatives and projects. This will include working with the District Councils to pursue funding opportunities arising from the Local Government Act 2002 and Local Government (Rating) Act 2002;
6. Maintaining a cost effective and transparent operation that maximises the administration and communication already existing within the Councils;
7. Regularly reviewing the Committee's achievements, overall economic development in the region and considering possible alternatives to the Committee that might ultimately enhance economic development in the region;
8. Developing effective working relationships with members of the Hauraki Coromandel Development Group, its committees and the other economic development agencies;
9. Advocating for the economic development needs of the Hauraki and Thames-Coromandel districts;

10. Considering and, as appropriate, recommending improvements or changes to Hauraki District Council and Thames-Coromandel District Council economic development policy and plans to maintain consistency with the Hauraki Coromandel Development Group policy and plans.

### **Delegations**

In order to carry out their specific responsibilities, the Hauraki District Council and Thames-Coromandel District Council give the Hauraki Coromandel Development Group Joint Committee delegated authority to:

1. Advocate on economic development issues within the Thames Valley region;
2. Develop and implement an Action Plan for economic development in the region;

Without prior approval from the Hauraki District Council and Thames-Coromandel District Council the Joint Committee does not have delegated authority to:

1. Commit the Hauraki District Council or Thames-Coromandel District Council to contractual obligations or expenditure;
2. Approve changes to the Hauraki Coromandel Development Group Terms of Reference;  
or
3. Delegate any of its responsibilities, duties or powers.

### **Membership**

- **District Council Members**

Hauraki District Council	Mayor or his/her representative
Thames-Coromandel District Council	Mayor or his/her representative

- **Other Members**

Mark Townshend	Dairy Industry
Eric Souchon	Minerals Industry
Peter Vitasovich	Aquaculture Industry
Jim Archibald – CEO	Tourism Coromandel
Josie Anderson – CEO	Hauraki Maori Trust Board
David Taipari	

### **Chairperson**

The Chairperson is responsible for:

1. The efficient functioning of the Committee;
2. Setting the agenda for Committee meetings in conjunction with the Client Representative;  
and
3. Ensuring that all members of the Committee receive sufficient timely information to enable them to be effective Committee members.

The Chairperson will be the link between the Committee and the Client Representative.

### **Quorum**

The quorum at any meeting of the Committee shall be not less than three members of the Committee and shall include at least one member from each of the Hauraki and Thames-Coromandel District Councils.

### **Frequency of Meetings**

The Committee shall meet at least quarterly.

### **Relationships with Other Parties**

The Chief Executives of the Hauraki and Thames-Coromandel District Councils are responsible for servicing the Committee and shall be invited to attend all meetings of the committee.

### **Contacts With Media And Outside Agencies**

The Committee Chairperson is the authorised spokesperson for the Committee in all matters where the Committee has authority or a particular interest.

The Client Representative will manage the formal communications between the Committee and its constituents and for the Committee in the exercise of its business. Correspondence with central government, other local government agencies or other official agencies will only take place through the Client Representative.

### **Conduct of Affairs**

The Committee shall conduct its affairs in accordance with the *Local Government Act 2002*, the *Local Government Official Information and Meetings Act 1987*, the *Local Authorities (Members' Interests) Act 1968* Council's Standing Orders and Code of Conduct.

### **Public Access and Reporting**

Notification of meetings to the public and public access to meetings and information shall comply with Standing Orders, but it should be noted that:

- At any meeting of the Committee at which no resolutions or decisions are made, the provisions of Standing Orders relating to public access do not apply.
- Workshop meetings solely for information and discussions and at which no resolutions or decisions are made may be held in accordance with Standing Orders.
- Extraordinary meetings of the Committee may be held in accordance with Standing Orders.
- The public may be excluded from the whole or part of the proceedings of the meeting and information withheld on one or more of the grounds specified in *the Local Government Official Information and Meetings Act 1987* s.48.

The Committee shall record minutes of all its proceedings and present them to the Hauraki District Council and Thames-Coromandel District Council.

The Committee is required to report to the Hauraki District Council and Thames-Coromandel District Council on a six-monthly basis. The reports should outline progress and key issues being considered by the Joint Committee. Reports should also be provided outlining actual achievement against key milestones.

**Remuneration**

Elected members shall be reimbursed with the current Local Government Elected Members' Determination appropriate to each District.

External advisors to the Committee shall be reimbursed in accordance with their standard business rates, including disbursements.

**Funding**

Remuneration and expenses will be funded by the Hauraki and Thames-Coromandel District Councils.

**Resource Pack**

1. Hauraki Coromandel Sub-regional Economic Development Strategy 2007

## LOCAL ELECTORAL ACT 2001

### 5. Interpretation

Electoral system means any of the following electoral systems that are prescribed for use at an election or poll:

- (a) the system commonly known as First Past the Post:
- (b) the system commonly known as Single Transferable Voting (STV) using the New Zealand method of counting single transferable votes:

### Electoral systems for elections

### 27. Local authority may resolve to change electoral systems

- (1) Any local authority may, not later than 12 September in the year that is 2 years before the year in which the next triennial general election is to be held, resolve that the next 2 triennial general elections of the local authority and its community boards (if any), and any associated election, will be held using a specified electoral system other than that used for the previous triennial general election.
- (2) A resolution under this section —
  - (a) takes effect, subject to paragraph (b), for the next 2 triennial general elections of the local authority and its community boards (if any), and any associated election; and
  - (b) continues in effect until either —
    - (i) *a further resolution under this section takes effect; or*
    - (ii) *a poll of electors of the local authority held under section 33 takes effect.*
- (3) This section is subject to section 32.
- (4) In this section, and in sections 28 to 34, associated election, in relation to any 2 successive triennial general elections of a local authority (and its community boards (if any)), means —
  - (a) any election to fill an extraordinary vacancy in the membership of the body concerned that is held —
    - (i) *between those elections; or*
    - (ii) *after the second of those elections but before the subsequent triennial general election:*
  - (b) an election of the members of the body concerned called under section 255(1)(b) or Schedule 15 of the Local Government Act 2002 that is held —

- (i) *between those elections; or*
- (ii) *after the second of those elections but before the subsequent triennial general election.*

**28. Public notice of right to demand poll on electoral system**

- (1) Every local authority must, not later than 19 September in the year that is 2 years before the year in which the next triennial general election is to be held, give public notice of the right to demand, under section 29, a poll on the electoral system to be used for the elections of the local authority and its community boards (if any).
- (2) If the local authority has passed a resolution under section 27 that takes effect at the next triennial election, every notice under subsection (1) must include—
  - (a) notice of that resolution; and
  - (b) a statement that a poll is required to countermand that resolution.
- (2A) Despite subsections (1) and (2), if, on or before the date referred to in subsection (1), the local authority has passed a resolution under section 31 and has specified a date for the holding of the poll that is on or before 21 May in the year before the next triennial general election, subsection (1) does not apply.
- (3) This section is subject to section 32.

**29. Electors may demand poll**

- (1) A specified number of electors of a local authority may, at any time, demand that a poll be held on a proposal by those electors that a specified electoral system be used at the elections of the local authority and its community boards (if any).
- (2) This section is subject to section 32.
- (3) In this section and sections 30 and 31,—
  - demand means a demand referred to in subsection (1)
  - specified number of electors, in relation to a local authority, means a number of electors equal to or greater than 5% of the number of electors enrolled as eligible to vote at the previous general election of the local authority.

**30. Requirements for valid demand**

- (1) A demand must be made by notice in writing—
  - (a) signed by a specified number of electors; and
  - (b) delivered to the principal office of the local authority, either—
- (2) An elector may sign a demand and be treated as 1 of the specified number of electors only if—

- (a) the name of that elector appears,—
    - (i) *in the case of a territorial authority, on the electoral roll of the territorial authority; and*
    - (ii) *in the case of any other local authority, on the electoral roll of any territorial authority or other local authority as the name of a person eligible to vote in an election of that local authority; or*
  - (b) in a case where the name of an elector does not appear on a roll in accordance with paragraph (a),—
    - (i) *the name of the elector is included on the most recently published electoral roll for any electoral district under the Electoral Act 1993 or is currently the subject of a direction by the Chief Registrar under section 115 of that Act (which relates to unpublished names); and*
    - (ii) *the address for which the elector is registered as a parliamentary elector is within the local government area of the local authority; or*
  - (c) the address given by the elector who signed the demand is—
    - (i) *confirmed by a Registrar of Electors as the address at which the elector is registered as a parliamentary elector; and*
    - (ii) *within the district of the local authority; or*
  - (d) the elector has enrolled, or has been nominated, as a ratepayer elector and is qualified to vote as a ratepayer elector in elections of the local authority.
- (3) Every elector who signs a demand must state, against his or her signature,—
- (a) the elector's name; and
  - (b) the address for which the person is qualified as an elector of the local authority.
- (3A) If a valid demand is received after 28 February in the year before the next triennial general election, the poll required by the demand –
- (a) must be held after 21 May in that year; and
  - (b) has effect in accordance with section 34(2) (which provides that the poll has effect for the purposes of the next but one triennial general election of the local authority and the subsequent triennial general election).
- (4) The chief executive of the local authority must, as soon as is practicable, give notice to the electoral officer of every valid demand for a poll made in accordance with section 29 and this section.
- (5) This section is subject to section 32.

**31. Local authority may resolve to hold poll**

- (1) A local authority may, no later than 28 February in the year immediately before the year in which the next triennial election is to be held, resolve that a poll be held on a proposal that a specified electoral system be used for the elections of the local authority and its community boards (if any).
- (2) A resolution may, but need not, specify a date on which the poll is to be held.
- (2A) The date specified for the holding of a poll must not be a date that would require deferral of the poll under section 138A.
- (3) The chief executive of the local authority must give notice to the electoral officer of any resolution under subsection (1),—
  - (a) if no date for the holding of the poll is specified in the resolution, as soon as is practicable:
  - (b) if a date for the holding of the poll is specified in the resolution, at an appropriate time that enables the poll to be conducted in accordance with section 33(3).
- (4) This section is subject to section 32.

**32. Limitation on change to electoral systems**

Sections 27 to 31 do not apply if—

- (a) a poll on the proposal described in section 29 or section 31 held under section 33 took effect at the previous triennial general election of the local authority or takes effect at the next triennial general election of the local authority;
- (b) another enactment requires a particular electoral system to be used for the election of members of a local authority.

**33. Poll of electors**

- (1) If the electoral officer for a local authority receives notice under section 30(4) or section 31(3), the electoral officer must, as soon as is practicable after receiving that notice, give public notice of the poll under section 52.
- (2) Despite subsection (1), if an electoral officer for a local authority receives 1 or more notices under both section 30(4) and section 31(3), or more than 1 notice under either section, in any period between 2 triennial general elections, the polls required to be taken under each notice may, to the extent that the result of those polls would take effect at the same election, and if it is practicable to combine those polls, be combined.
- (3) A poll held under this section must be held not later than 82 days after the date on which—
  - (a) the notice referred to in subsection (1) is received; or
  - (b) the last notice referred to in subsection (2) is received.

- (3A) Subsection (3) is subject to subsection (2), section 30(3A) and section 138A.
- (3B) Voters at a poll held under this section decide the proposal or proposals that are the subject of the poll by voting for one of the electoral systems named in the voting document or, as the case may require, expressing a preference in respect of each of the electoral systems named in the voting document.
- (4) Every poll under this section that is held in conjunction with a triennial general election or held after that election but not later than 21 May in the year immediately before the year in which the next triennial general election is to be held determines whether the electoral system to be used for the next 2 triennial general elections of the local authority and its community boards (if any) and any associated election is to be—
  - (a) the electoral system used at the previous general election of the local authority; or
  - (b) the electoral system specified in any resolution under section 27; or
  - (c) the electoral system specified in any demand submitted within the appropriate period of which the electoral officer has received notice under section 30(4) and, if notice of more than 1 such demand is received, one of the systems specified in those demands and, if so, which one; or
  - (d) the electoral system specified in any resolution of which the electoral officer has received notice under section 31(3).

**34. Effect of poll**

- (1) If a poll is held under section 33 in conjunction with a triennial general election or held after that election but not later than 21 May in the year immediately before the year in which the next triennial general election is to be held, the electoral system adopted or confirmed must be used—
  - (a) for the next 2 triennial general elections:
  - (b) for any associated election:
  - (c) for all subsequent triennial general elections, elections to fill extraordinary vacancies, and elections called under 255(1)(b) or Schedule 15 of the Local Government Act 2002, until a further resolution under section 27 takes effect or a further poll held under section 33 takes effect, whichever occurs first.
- (2) If a poll is held under section 33 at some other time, the electoral system adopted or confirmed must be used—
  - (a) for the next but one triennial general election and the following triennial general election:
  - (b) for any associated election:

- (c) for all subsequent triennial general elections, elections to fill extraordinary vacancies, and elections called under section 255(1)(b) or Schedule 15 of the Local Government Act 2002, until a further resolution under section 27 takes effect or a further poll held under section 33 takes effect, whichever occurs first.

### **Electoral systems for polls**

#### **35. Electoral systems for polls**

- (1) Every poll conducted for a local authority must be conducted using an electoral system adopted by resolution of the local authority—
  - (a) for the purposes of the particular poll; or
  - (b) for the purposes of 2 or more polls that are to be conducted at the same time.
- (2) If a poll is to be conducted for a local authority and there is no applicable resolution, that poll must be conducted using the electoral system commonly known as First Past the Post.

#### **36. Voting method for elections and polls**

- (1) Every election or poll conducted for a local authority must be conducted using 1 or more methods of voting adopted by resolution of the local authority—
  - (a) for the purposes of a particular election or poll; or
  - (b) for the purposes of more than 1 election or more than 1 poll, or both, that are to be conducted at the same time.
- (2) If an election or poll is to be conducted and there is no applicable resolution under subsection (1), that election or poll must be conducted by postal voting.
- (3) Despite subsections (1) and (2),—
  - (a) if any election or poll is to be conducted in conjunction with the election of 1 or more territorial authorities in the same local government area, the voting method to be used for that election or poll within the district of each territorial authority is the voting method or methods to be used for the election of that territorial authority;
  - (b) if 2 or more elections or 2 or more polls are to be conducted within the district of a territorial authority separately from any election of that territorial authority, and, as a consequence of the operation of subsection (1) or subsection (2), those elections and polls are required to be conducted using different voting methods,—

- (i) the local authorities concerned must determine which of those voting methods must be used to conduct the elections and polls; and*
- (ii) if no agreement is reached under subparagraph (i), those elections and polls must be conducted by postal voting.*

**37. Consultation**

- (1) Before passing any resolution under section 36(1) that will apply to elections or polls conducted for any other local authority, the local authority concerned must consult that local authority.
- (2) In determining what resolution is to be adopted under section 36, the local authority concerned must have regard to the results of any consultation under subsection (1).

## HAURAKI GULF FORUM

### Purpose

- 1) To enable Hauraki District Council to:
  - a) Meet its obligations under the Hauraki Gulf Marine Park Act 2000;
  - b) Assist in the development of Hauraki Gulf strategies, plans and reports;
  - c) Assist with improving the integrated management of the Hauraki Gulf and its catchments.
- 2) To develop closer integration between local authorities and agencies involved in the Hauraki Gulf, its catchments and coastal activities.

### Responsibilities

On behalf of the Hauraki District Council, the Hauraki Gulf Forum. Representatives will have specific responsibility for:

- 1) Ensuring that Hauraki District Council's legislative obligations in respect to the Hauraki Gulf are being met. The legislative provisions include, but are not limited to:
  - a) Hauraki Gulf Marine Park Act 2000;
  - b) Resource Management Act 1991;
  - c) Any enactment passed in substitution of any of the Acts in (a) and (b).
- 2) Developing effective working relationships with members of Hauraki Gulf Forum and other coastal agencies;
- 3) Advocating for Hauraki Gulf issues affecting the Hauraki District Council in local, regional and national forums;
- 4) Ensuring that the Hauraki District Council is kept informed of Hauraki Gulf issues; and
- 5) Reviewing and recommending improvements or changes to Hauraki District Council policy, plans and procedures relating to the Hauraki Gulf, its catchments and coastal activities.

### Delegations

In order to carry out their specific responsibilities, the Hauraki Gulf Forum Representatives are delegated authority to:

- 1) Vote on matters included in the Hauraki Gulf Forum order papers, in accordance with:
  - a) the constitution of the Hauraki Gulf Forum; and

- b) approved Hauraki District Council policy.
- 2) Represent Hauraki District Council at ceremonial functions associated with this role; and
- 3) Advocate on Hauraki Gulf issues on behalf of Hauraki District Council in accordance with approved Council policy and guidelines.

Without prior approval from Hauraki District Council, the representatives does not have delegated authority to:

- 1) appoint a deputy; or
- 2) commit Hauraki District Council to contractual obligations or expenditure.

### **Representation**

The authorised representatives for the Hauraki Gulf Forum shall be:

- The Mayor
- Deputy Mayor

### **Relationships with Other Parties**

Although representatives are encouraged to develop relationships with community agencies associated with the Hauraki Gulf to acquire an awareness of local Hauraki Gulf and coastal issues, the representatives do not have any authority to become involved in operational activities.

### **Conduct of Affairs**

The representatives shall conduct their affairs in accordance with the *Local Government Act 2002*, the *Local Government Official Information and Meetings Act 1987*, the *Local Authorities (Members' Interests) Act 1968*, Standing Orders and approved Hauraki District Council policy.

### **Reporting**

In the month following all meetings of Hauraki Gulf Forum, the representatives shall present a report and minutes of the meetings to Council.

### **Frequency of Attendance**

The representatives may attend:

- all meetings of the Hauraki Gulf Forum;
- ceremonial functions associated with the role; or
- other such associated meetings approved by the Hauraki Gulf Forum or Hauraki District Council.

### **Administrative Support**

The Hauraki District Council will provide administrative support to the representatives as required.

## Extract from the HAURAKI GULF MARINE PARK ACT 2000

### Legislative history

- (1) The Hauraki Gulf has a quality and diversity of biology and landscape that makes it outstanding within New Zealand. The islands of the Gulf are valued as the habitats of plants and animals, once common, now rare, and are often the only places in the world where these species exist naturally:
- (2) On some islands natural ecosystems remain intact while other islands have ecosystems that are evolving rapidly or are islands that provide opportunities for habitat restoration. A diverse marine environment extends from the deep ocean to bays, inlets, and harbours off the coastline and the shallow sea and broad intertidal flats of the Firth of Thames:
- (3) The Gulf has a rich history of human settlement and use. The Gulf is one of the earliest places of human settlement in New Zealand and for generations supported and was home to tangata whenua. While tangata whenua have no single name for the Gulf, the names Tikapa Moana and Te Moananui a Toi are recognised as referring to the Gulf. Auckland, the first seat of government, is also on its shore. Along the shores of the Gulf the changing culture and technologies can be traced through places like the pa, kainga, and garden sites of antiquity on every island, driving dams, copper and gold mines, whaling stations, timber mills, industrial sites, and grand and ordinary homes:
- (4) The Treaty of Waitangi was signed by tangata whenua of the Hauraki Gulf both at Waitangi and on the shores of the Gulf. The Treaty provides guarantees to both the Crown and tangata whenua and forms a basis for the protection, use, and management of the Gulf, its islands, and catchments. The Treaty continues to underpin the relationship between the Crown and tangata whenua. The assembled tribes of the Hauraki Gulf reaffirmed its importance to them in a statement from a hui at Motutapu Island, 14-15 November 1992 ("The Motutapu Accord"):
- (5) The hinterland of the Gulf is intensively developed and settled. Its shores contain New Zealand's largest metropolitan area and extensive tracts of productive farm land. The coastal waters are of great importance to commerce in New Zealand. The Gulf contains the Port of Auckland, many smaller ports, and marinas. The Gulf is lived in and worked in, and is used for marine commerce, commercial fishing, and harbour and gulf transport. The Gulf is economically important:
- (6) People use the Gulf for recreation and for the sustenance of human health, well-being, and spirit. The natural amenity of the Gulf provides a sense of belonging for many New Zealanders and for them it is an essential touchstone with nature, the natural world, and the marine environment of an island nation:
- (7) The Gulf, its islands, and catchments have complex interrelationships that need to be well understood and managed. Many improvements have been made in the administration of statutory jurisdictions in the Gulf, the exercise of individual and collective responsibility, and stewardship of the Gulf. But the need for co-operation, and the need for integrated management, recognised in the establishment by local authorities of the Hauraki Gulf Forum, by Auckland City of "Vision Hauraki", by tangata whenua in the Motutapu Accord, and by the Government in establishing in 1967 the Hauraki Gulf Maritime Park, still remains. The Gulf must be managed in a manner that

crosses territorial jurisdictions, crosses land and water boundaries, and crosses cultures and that respects both conservation and development needs:

**3. Purpose—**

The purpose of this Act is to—

- (a) integrate the management of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments:
- (b) establish the Hauraki Gulf Marine Park:
- (c) establish objectives for the management of the Hauraki Gulf, its islands, and catchments:
- (d) recognise the historic, traditional, cultural, and spiritual relationship of the tangata whenua with the Hauraki Gulf and its islands:
- (e) establish the Hauraki Gulf Forum.

**PART 2 - HAURAKI GULF FORUM**

**15. Purposes of Forum—**

The Forum has the following purposes:

- (a) to integrate the management and, where appropriate, to promote the conservation and management in a sustainable manner, of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments, for the benefit and enjoyment of the people and communities of the Gulf and New Zealand:
- (b) to facilitate communication, co-operation, and co-ordination on matters relating to the statutory functions of the constituent parties in relation to the Hauraki Gulf, its islands, and catchments, and the Forum:
- (c) to recognise the historic, traditional, cultural, and spiritual relationship of tangata whenua with the Hauraki Gulf, its islands, and, where appropriate, its catchments.

**16. Establishment of Forum—**

- (1) A body called the Hauraki Gulf Forum is established.
- (2) The Forum consists of the following representatives:
  - (a) 1 representative appointed by the Minister:
  - (b) 1 representative appointed by the Minister of Fisheries:
  - (c) 1 representative appointed by the Minister of Maori Affairs:
  - (d) 1 representative appointed by each of the following local authorities:
    - (i) *Auckland City Council:*
    - (ii) *Auckland Regional Council:*

- (iii) *Franklin District Council:*
  - (iv) *Hauraki District Council:*
  - (v) *Manakau City Council:*
  - (vi) *Matamata-Piako District Council:*
  - (vii) *North Shore City Council:*
  - (viii) *Rodney District Council:*
  - (ix) *Thames-Coromandel District Council:*
  - (x) *Waikato District Council:*
  - (xi) *Waikato Regional Council:*
  - (xii) *Waitakere City Council:*
- (e) 6 representatives of the tangata whenua of the Hauraki Gulf and its islands appointed by the Minister, after consultation with the tangata whenua and the Minister of Maori Affairs:
- (f) 2 further representatives appointed by the Auckland Regional Council.
- (3) The representatives appointed in accordance with subsection (2)(d) or (f), or subsection (5) must be members of the local authority elected in accordance with the Local Government Act 1974.

#### **17. Functions of Forum—**

- (1) To promote sections 7 and 8, the Forum has the following functions in relation to the Hauraki Gulf, its islands, and catchments:
- (a) to prepare a list of strategic issues, determine a priority for action on each issue, and regularly review that list:
  - (b) to facilitate and encourage co-ordinated financial planning, where possible, by the constituent parties:
  - (c) to obtain, share, and monitor information on the state of the natural and physical resources:
  - (d) to receive reports on the completion and implementation of deeds of recognition:
  - (e) to require and receive reports from constituent parties on the development and implementation of policies and strategies to address the issues identified under paragraph (a):
  - (f) to receive reports from the tangata whenua of the Hauraki Gulf on the development and implementation of iwi management or development plans:
  - (g) to prepare and publish, once every 3 years, a report on the state of the environment in the Hauraki Gulf, including information on progress towards integrated management and responses to the issues identified in accordance with paragraph (a):
  - (h) to promote and advocate the integrated management and, where appropriate, the sustainable management of the Hauraki Gulf, its islands, and catchments:

- (i) to encourage, share, co-ordinate where appropriate, and disseminate educational and promotional material:
  - (j) to liaise with, and receive reports from, persons and groups having an interest in the Hauraki Gulf and business and community interests to promote an interest in the purposes of the Forum:
  - (k) to commission research into matters relating to the functions of the Forum.
- (2) When carrying out its functions under subsection (1), the Forum must have particular regard to the historic, traditional, cultural, and spiritual relationship of tangata whenua with the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments.

## LOCAL GOVERNMENT ACT 2002 PROVISIONS RELATING TO MĀORI

SECTION	COMMENTARY
<p><b>4 Treaty of Waitangi</b></p> <p>In order to recognise and respect the Crown’s responsibility to take appropriate account of the principles of the Treaty of Waitangi and to maintain and improve opportunities for Māori to contribute to local government decision-making processes, Parts 2 and 6 provide principles and requirements for local authorities that are intended to facilitate participation by Māori in local authority decision-making processes.</p>	
<p><b>14 Principles relating to local authorities</b></p> <p>(1) In performing its role, a local authority must act in accordance with the following principles:</p> <p>(d) a local authority should provide opportunities for Māori to contribute to its decision-making processes:</p>	<p>This is the key requirement for the implementation of the Treaty Clause.</p>
<p><b>40 Local governance statements</b></p> <p>(1) A local authority must prepare and make publicly available, following the triennial general election of members, a local governance statement that includes information on—</p> <p>(d) representation arrangements, including the option of establishing Māori wards or constituencies, and the opportunity to change them; and</p> <p>(h) consultation policies; and</p> <p>(i) policies for liaising with, and memoranda or agreement with, Māori; and</p>	<p>Provisions of the Local Electoral Act, 2001 are relevant here. [s40(1)(d)]</p>
<p><b>75 Planning, decision-making, and accountability</b></p> <p>This Part—</p> <p>(b) states the obligations of local authorities in relation to the involvement of Māori in decision-making processes:</p>	<p>This section is the further development of section 4.</p>
<p><b>77 Requirements in relation to decisions</b></p> <p>(1) A local authority must, in the course of the decision-making process,—</p> <p>(c) if any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water, sites, waahi tapu, valued flora and fauna, and other taonga.</p>	<p>Sets a high priority for developing a process to identify and record contact details for Māori groups and also for recording details of significant cultural and traditional matters and places of interest to Māori within the EW Region.</p>

- SECTION**
- 81 Contributions to decision-making processes by Māori**
- (1) A local authority must—
- (a) establish and maintain processes to provide opportunities for Māori to contribute to the decision-making processes of the local authority; and
  - (b) consider ways in which it may foster the development of Māori capacity to contribute to the decision-making processes of the local authority; and
  - (c) provide relevant information to Māori for the purposes of paragraphs (a) and (b).
- (2) A local authority, in exercising its responsibility to make judgments about the manner in which subsection (1) is to be complied with, must have regard to—
- (a) the role of the local authority, as set out in section 11; and
  - (b) such other matters as the local authority considers on reasonable grounds to be relevant to those judgments.
- 82 Principles of consultation**
- (2) A local authority must ensure that it has in place processes for consulting with Māori in accordance with subsection (1).

**COMMENTARY**

The consideration of capacity building will be a contentious issue that should be approached with risk management as a key driver.

The setting of expectations that cannot be delivered could well result in adversarial attitudes.

Section 81(1)(c) strongly indicates the need for Māori involvement in establishing policies and processes under section 81(1)(a) and 81(1)(b).

While this section relates to all consultation section 82(2) places a responsibility on local government to ensure it meets its responsibility to Māori on consultation.

- 108 SECTION**  
**Policy on remission and postponement of rates on Maori freehold land**
- (1) If a policy adopted under section 102(4)(f) provides for the remission of rates on Maori freehold land, the policy must state—
    - (a) the objectives sought to be achieved by the remission of rates; and
    - (b) the conditions and criteria to be met in order for rates to be remitted.
  
  - (2) If a policy adopted under section 102(4)(f) provides for the postponement of the requirement to pay rates on Maori freehold land, the policy must state—
    - (a) the objectives sought to be achieved by a postponement of the requirement to pay rates; and
    - (b) the conditions and criteria to be met in order for the requirement to pay rates to be postponed.
  
  - (3) For the avoidance of doubt, a policy adopted under section 102(4)(f) is not required to provide for the remission of, or postponement of the requirement to pay, rates on Maori freehold land.
  
  - (4) In determining a policy under section 102(4)(f), the local authority must consider the matters set out in Schedule 11.
  
  - (5) For the purposes of this section, the term **rates** includes penalties payable on unpaid rates.

**COMMENTARY**  
See also Schedule 16 – Policy on remission and postponement of rates of Maori freehold land.

SECTION	COMMENTARY
<b>Schedule 10 Council plans and reports</b>	
Part 1 Information to be included in long-term council community plans	
c1	<b>Community outcomes</b>
	A long-term council community plan must, to the extent determined appropriate by the local authority,—
	(e) outline how the local authority will, to further community outcomes, work with—
	(ii) Māori, central government, and non-government organisations;
c5	<b>Development of Māori capacity to contribute to decision-making processes</b>
	A long-term council community plan must set out any steps that the local authority intends to take, having considered ways in which it might foster the development of Māori capacity to contribute to the decision-making processes of the local authority, over the period covered by that plan.
c6	<b>Funding and financial policies</b>
	A long-term council community plan must include the funding and financial policies of the local authority adopted under section 102.
C21	<b>General</b>
	An annual report must include a report on the activities that the local authority has undertaken in the year to establish and maintain processes to provide for opportunities for Maori to contribute to the decision-making processes of the local authority.
	<b>Schedule 11 Matters relating to rates relief on Māori freehold land</b>
	<b>Māori Representation</b>
	Sections 19, 19Z, 19ZA, 19ZB, 19ZD, 19ZE, 19ZF, 19ZG, 19ZH, 24A, 24B, 24C, 24D, 24E, 24F, 41, 61 Local Electoral Act 2001
ule 1A	Local Electoral Act 2001
	These policies have to be considered for the Hauraki Community Plan 2009-2019. [s281]
	The Local Electoral Act 2001 has been amended to include Māori representation, Māori electorates and associated processes. Section 40(1)(d) requires consideration of these provisions.

**SECTION**  
**Rating Act**

Consequential Amendments relating to s102 of Local Government Act 2002.

**COMMENTARY**

Extract from  
**LOCAL GOVERNMENT ACT 2002 - SECTION 14**

**Principles relating to local authorities**

- 1) In performing its role, a local authority must act in accordance with the following principles:
  - a) A local authority should –
    - i) *conduct its business in an open, transparent, and democratically accountable manner; and*
    - ii) *give effect to its identified priorities and desired outcomes in an efficient and effective manner:*
  - b) a local authority should make itself aware of, and should have regard to, the views of all its communities; and
  - c) when making a decision, a local authority should take account of –
    - i) *the diversity of the community, and the community's interest, within its district or region; and*
    - ii) *the interests of future as well as current communities; and*
    - iii) *the likely impact of any decision on each aspect of well-being referred to in Section 10:*
  - d) a local authority should provide opportunities for Māori to contribute to its decision-making processes:
  - e) a local authority should collaborate and co-operate with other local authorities and bodies as it considers appropriate to promote or achieve its priorities and desired outcomes, and make efficient use of resources; and
  - f) a local authority should undertake any commercial transactions in accordance with sound business practices; and
  - g) a local authority should ensure prudent stewardship and the efficient and effective use of its resources in the interests of its district or region; and
  - h) in taking a sustainable development approach, a local authority should take into account—
    - i) *the social, economic, and cultural well-being of people communities; and*

- ii) the need to maintain and enhance the quality of the environment;*  
*and*
  - iii) the reasonably foreseeable needs of future generations.*
- 2) If any of these principles, or any aspects of well-being referred to in section 10, are in conflict in any particular case, the local authority should resolve the conflict in accordance with the principle in subsection (1)(a)(i).

## LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT 1987 - PART VII LOCAL AUTHORITY MEETINGS

### 45. Interpretation

(1) In this Part of this Act, unless the context otherwise requires,—  
Meeting, in relation to a local authority, means, subject to subsection (2) of this section,—

(a) any annual, biennial, triennial, ordinary, or extraordinary meeting of a local authority; and

(b) Any meeting of—

(i) *Any committee or standing committee or special committee or subcommittee of a local authority; and*

(ii) *Any meeting of any joint standing committee or joint special committee appointed by 2 or more local authorities, and any subcommittee of any such committee—*

*if—*

(iii) *Any function, duty, or power is conferred or imposed on that committee or subcommittee by any enactment; or*

(iv) *That committee or subcommittee is empowered to exercise or perform, on behalf of any local authority or any committee of any local authority, any function, duty, or power conferred or imposed on any local authority, or on any committee of any local authority, by or under any enactment or bylaw:*

*Minutes, in relation to any meeting of any local authority, means any minutes or other record of the proceedings of any such meeting.*

[(2) For the avoidance of doubt, it is hereby declared that any meeting of a local authority or of any committee or subcommittee of a local authority, at which no resolutions or decisions are made is not a meeting for the purposes of this Part of this Act.

### 46. Meetings of local authorities to be publicly notified

(1) Subject to subsection (2) of this section, every local authority shall, not more than 14 days and not less than 5 days before the end of every month, cause to be publicly notified a list of all meetings of that local authority scheduled to be held in the following month, together with the dates on which, and the times and places at which, those meetings are to be held.

(2) Where any meeting of a local authority is to be held on or after the 21st day of any month, the local authority may, instead of causing that meeting to be publicly notified in accordance with subsection (1) of this section, cause that meeting to be publicly

notified not more than 10 nor less than 5 working days before the day on which the meeting is to be held.

- (3) Where any extraordinary meeting of a local authority is called and notice of that meeting cannot be given in the manner required or permitted by this section, the local authority shall cause that meeting and the general nature of business to be transacted at that meeting to be publicly notified or otherwise advertised as soon as practicable before the meeting is to be held.
- (4) Where any extraordinary meeting of a local authority is called and notice of that meeting cannot be given in the manner required or permitted by subsection 3, the local authority or person calling the meeting must cause to be given such public notice of the meeting and the business to be transacted at the meeting as is reasonable in the circumstances.
- (5) No meeting of any local authority shall be invalid merely because that meeting was not publicly notified in accordance with this section.
- (6) Where a local authority becomes aware that any meeting of that local authority has not been publicly notified in accordance with this section, that local authority shall, as soon as practicable, give public notice that that meeting was not so notified, and shall, in that notice,—
  - (a) State the general nature of the business transacted at that meeting; and
  - (b) Give the reasons why that meeting was not so notified.
- (7) Nothing in subsections (1) to (6) of this section applies to a Board of Trustees constituted under Part 9 of the Education Act 1989; but every such Board shall take all reasonable steps to ensure that parents (within the meaning of that Part of that Act) of students enrolled at schools that the Board administers can readily find out, within a reasonable time before those meetings, where and when meetings of the Board are to be held.
- (8) Nothing in this section applies to—
  - (a) The New Zealand Conservation Authority established under section 6A of the Conservation Act 1987:
  - (b) Repealed, as from 1 April 2000, by s 7 Children's Health Camps Board Dissolution Act 1999 (1999 No 141).
  - (c) Provincial Patriotic Councils:
  - (d) The National Animal Ethics Advisory Committee established by section 62 of the Animal Welfare Act 1999:
  - (e) The National Animal Welfare Advisory Committee established by section 56 of the Animal Welfare Act 1999.

**46A. Availability of agendas and reports**

- (1) Subject to subsections (6) to (10) of this section, any member of the public may, without payment of a fee, inspect, during normal office hours, within a period of at least two working days before every meeting, all agendas and associated reports circulated to members of the local authority and relating to that meeting.
- (2) Subject to subsections (6) to (10) of this section, the agendas—
  - (a) Shall be available for inspection under subsection (1) of this section at the public offices of the local authority (including service delivery centres) and the public libraries under the authority's control; and
  - (b) Shall be accompanied by either—
    - (i) *The associated reports; or*
    - (ii) *A notice specifying the places at which the associated reports may be inspected under subsection (1) of this section.*
- (3) Subject to subsections (6) to (10) of this section, the associated reports shall be available for inspection under subsection (1) of this section at the public offices of the local authority.
- (4) Any member of the public may take notes from any agenda or report inspected by that member of the public under subsection (1) of this section.
- (5) Every member of the public who inspects an agenda or report made available under subsection (1) of this section and who requests a copy of any part of any such agenda or report and tenders the prescribed amount (if any) shall be given such a copy as soon as practicable.
- (6) Where a meeting is an extraordinary meeting called pursuant to a resolution of the local authority, the local authority must cause the agenda and any associated reports to be made available as soon as is reasonable in the circumstances.
- (7) An item that is not on the agenda for a meeting may be dealt with at the meeting if—
  - (a) The local authority by resolution so decides; and
  - (b) The presiding member explains at the meeting at a time when it is open to the public,—
    - (i) *The reason why the item is not on the agenda; and*
    - (ii) *The reason why the discussion of the item cannot be delayed until a subsequent meeting.*
- (7A) Where an item is not on the agenda for a meeting,—
  - (a) That item may be discussed at that meeting if—

- (i) *That item is a minor matter relating to the general business of the local authority; and*
  - (ii) *The presiding member explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at the meeting; but*
- (b) No resolution, decision, or recommendation may be made in respect of that item except to refer that item to a subsequent meeting of the local authority for further discussion.
- (8) The chief executive may exclude from the reports made available under subsection (1) of this section, reports or items from reports that he or she reasonably expects the meeting to discuss with the public excluded.
- (9) The chief executive shall indicate on each agenda the items that he or she reasonably expects the meeting to discuss with the public excluded.
- (10) Where agendas and associated reports are for meetings of community boards, it shall be sufficient for the purposes of this section that they be available for public viewing at the main office of the local authority and those service delivery centres and public libraries, if any, under the control of the local authority situated within the community.

#### **48. Right of local authorities to exclude public**

- (1) Subject to subsection (3) of this section, a local authority may by resolution exclude the public from the whole or any part of the proceedings of any meeting only on one or more of the following grounds:
  - (a) That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist,—
    - (i) *Where the local authority is named or specified in Schedule 1 to this Act, under section 6 or section 7 (except section 7(2)(f)(i)) of this Act;*
    - (ii) *Where the local authority is named or specified in Schedule 2 to this Act, under section 6 or section 7 or section 9 (except section 9(2)(g)(i)) of the Official Information Act 1982:*
  - (b) That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information the public disclosure of which would—
    - (i) *Be contrary to the provisions of a specified enactment; or*
    - (ii) *Constitute contempt of Court or of the House of Representatives:*
  - (c) That the purpose of the whole or the relevant part of the proceedings of the meeting is to consider a recommendation made to that local authority by an Ombudsman under section 30(1) or section 38(3) of this Act (in the case of a local authority named or specified in Schedule 1 to this Act) or under section 30(1) or

section 35(2) of the Official Information Act 1982 (in the case of a local authority named or specified in Schedule 1 to this Act):

- (d) That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the local authority to deliberate in private on its decision or recommendation in any proceedings to which this paragraph applies.
- (2) Paragraph (d) of subsection (1) of this section applies to—
- (a) Any proceedings before a local authority where—
    - (i) *A right of appeal lies to any Court or tribunal against the final decision of the local authority in those proceedings; or*
    - (ii) *The local authority is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings; and*
  - (b) Repealed, as from 1 October 1991, by s 362 Resource Management Act 1991 (1991 No 69).
  - (c) Any proceedings of a local authority in relation to any application or objection under the Marine Farming Act 1971.
- (3) Every resolution excluding the public from any meeting shall be in the form set out in Schedule 2A to this Act and shall state—
- (a) The general subject of each matter to be considered while the public is excluded; and
  - (b) The reason for the passing of that resolution in relation to that matter, including, where that resolution is passed in reliance on subsection (1)(a) of this section, the particular interest or interests protected by section 6 or section 7 of this Act, or section 6 or section 7 or section 9 of the Official Information Act 1982, as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings in public; and
  - (c) The grounds on which that resolution is based (being one or more of the grounds set out in subsection (1) of this section).
- (4) Every resolution to exclude the public shall be put at a time when the meeting is open to the public, and the text of that resolution (or copies thereof)—
- (a) Shall be available to any member of the public who is present; and
  - (b) Shall form part of the minutes of the local authority.
- (5) A resolution pursuant to subsection (1) of this section, may also provide for one or more specified persons to remain after the public has been excluded if that person, or persons, has or have, in the opinion of the local authority, knowledge that will assist the authority.

- (6) Where a local authority resolves that one or more persons may remain after the public has been excluded, the resolution must state the knowledge possessed by that person or those persons which will be of assistance in relation to the matter to be discussed and how it is relevant to that matter.

#### **49. Provisions applying when meeting open to public**

Where a meeting of a local authority is required by this Part of this Act to be open to the public during the proceedings or any part of them, the following provisions shall apply:

- (a) For the purposes of this Part of this Act, bona fide members of the news media shall be deemed to be members of the public, and shall be entitled to attend any meeting or any part of a meeting for the purpose of reporting the proceedings for any news media:
- (b) Where copies of the agenda for any meeting are reproduced by any means for use by members of a local authority, that local authority shall cause such additional copies of the agenda to be reproduced as may in its opinion be necessary to ensure an adequate supply for persons requesting copies pursuant to paragraph (c) of this section:
- (c) Where any member of the public who attends a meeting of a local authority requests a copy of the agenda and tenders the prescribed amount (if any), that person shall be given a copy of every agenda reproduced for use by members of the local authority at that meeting of which there is a spare copy, and may take each away with that person:
- (d) Copies of the agenda supplied for members of the public as provided in paragraph (b) of this section shall include such further statements or particulars, if any, as are necessary to indicate the nature of any items included in the agenda unless that item refers to any matter to be considered by the local authority when the meeting is not likely to be open to the public.

Cf 1962, No 113, s 5; 1963, No 109, s 2; 1975, No 125, s 5

#### **50. Maintenance of order**

- (1) The person presiding at any meeting of any local authority may, if that person believes, on reasonable grounds, that the behaviour of any member of the public attending that meeting is likely to prejudice or to continue to prejudice the orderly conduct of that meeting if that member of the public is permitted to remain in that meeting, require that member of the public to leave the meeting.
- (2) If any member of the public who is required, pursuant to subsection (1) of this section, to leave a meeting of a local authority—
- (a) Refuses or fails to leave the meeting; or

- (b) Having left the meeting, attempts to re-enter the meeting without the permission of the person presiding at the meeting,—

any constable, or any officer or employee of the local authority, may, at the request of the person presiding at the meeting, remove or, as the case may require, exclude that member of the public from the meeting.

Cf 1962, No 113, s 6

**51. Right of public to inspect or receive copies of minutes of meeting**

- (1) Any member of the public may, without payment of fee, at the local authority's office and during normal office hours, inspect the minutes of any meeting or part of any meeting of the local authority (not being a meeting or part of a meeting from which the public was excluded) and may take notes therefrom.
- (2) Every member of the public so inspecting any such minutes who requests a copy of any part thereof and tenders the prescribed amount (if any) shall be given such a copy.
- (3) Where any person requests a copy of the minutes of any meeting or part of a meeting from which the public was excluded pursuant to this Part of this Act, the request shall,—
  - (a) Where the local authority concerned is named or specified in Schedule 1 to this Act, be deemed to be a request for access to official information made under this Act; and
  - (b) Where the local authority concerned is named or specified in Schedule 2 to this Act, be deemed to be a request for access to official information made under the Official Information Act 1982,—

and shall be dealt with by that local authority accordingly.

Cf 1962, No 113, s 7; 1975, No 125, s 6

**51A. Public notification of resolution at extraordinary meeting**

- (1) A local authority must, as soon as practicable, publicly notify any resolution passed at an extraordinary meeting of the local authority unless—
  - (a) the resolution was passed at a meeting or part of a meeting from which the public was excluded; or
  - (b) the extraordinary meeting was publicly notified at least 5 working days before the day on which the meeting was held.

- (2) For the purposes of this section, resolution means the resolution on the matter or matters for which the extraordinary meeting was held.

**52. Defamatory matter in copy of agenda or additional particulars supplied to public or in minutes of meeting**

Where a meeting of any local authority is open to the public during the proceedings or any part thereof, and—

- (a) There is supplied to a member of the public a copy of the agenda for the meeting with or without further statements or particulars for the purpose of indicating the nature of any item included in the agenda; or
- (b) The minutes of that meeting or part are produced for inspection by any member of the public or a copy thereof is given to any member of the public,—

the publication thereby of any defamatory matter included in the agenda or in the further statements or particulars or in the minutes shall be privileged unless, in any proceedings for defamation in respect of that publication, the plaintiff proves that, in publishing the matter, the defendant was predominantly motivated by ill will towards the plaintiff, or otherwise took improper advantage of the occasion of publication.

Cf 1962, No 113, s 8; 1975, No 125, s 7

## DEFAMATION ACT 1992

### 16. Qualified privilege

- (2) Subject to sections 17 to 19 of this Act, the matters specified in Part 2 of Schedule 1 to this Act is protected by qualified privilege.
- (3) Nothing in this section limits any other rule of law relating to qualified privilege.

### 17. Qualified privilege not to apply where publication prohibited

Nothing in subsection (1) or subsection (2) of section 16 of this Act protects the publication of any report or other matter where the publication of that report or matter is prohibited by law, or by a lawful order, in New Zealand or in a territory in which the subject-matter of the report or matter arose.

### 18. Restrictions on qualified privilege in relation to Part 2 of Schedule 1

- (1) Nothing in section 16(2) of this Act protects the publication of a report or other matter specified in Part 2 of Schedule 1 to this Act unless, at the time of that publication, the report or matter is a matter of public interest in any place in which that publication occurs.
- (2) In any proceedings for defamation in respect of the publication in any newspaper, or as part of a programme or service provided by a broadcaster, of a report or other matter specified in Part 2 of Schedule 1 to this Act, a defence of qualified privilege under section 16(2) of this Act shall fail if the plaintiff alleges and proves—
  - (a) That the plaintiff requested the defendant to publish, in the manner in which the original publication was made, a reasonable letter or statement by way of explanation or contradiction; and
  - (b) That the defendant has refused or failed to comply with that request, or has complied with that request in a manner that, having regard to all the circumstances, is not adequate or not reasonable.”

Relevant provisions in Part 2 of Schedule 1 to the Defamation Act 1992 are as follows:

1. A fair and accurate report of the proceedings of a legislature of a territory outside New Zealand or of a committee of any such legislature.
2. A fair and accurate report of the proceedings of a Court outside New Zealand (whether those proceedings are preliminary, interlocutory, or final, and whether in open Court or not), or of the result of those proceedings.
3. A fair and accurate report of the proceedings in an inquiry held under the authority of—
  - (a) The Government or Parliament of New Zealand; or

(b) The Government or legislature of a territory outside New Zealand,—  
or a true copy of, or a fair and accurate extract from or summary of, any official report made by the person by whom the inquiry was held.

4. A fair and accurate report of the proceedings of—

(a) An international organisation of—

- (i) Countries or representatives of countries; or
- (ii) Legislatures or representatives of legislatures; or
- (iii) Governments or representatives of governments; or

(b) An international conference at which governments of any countries are represented.

5. A fair and accurate report of the proceedings at a meeting or sitting in any part of New Zealand of—

(a) A local authority or committee of a local authority or local authorities; or

(b) A person or body appointed or constituted by or under, and exercising functions under, any Act (not being a Court or a person holding an inquiry to which clause 3 of this Part of this Schedule applies),—

not being proceedings from which the public or members of the news media or both were excluded.

6. A fair and accurate report of the proceedings, or of the result of the proceedings, in an inquiry held in accordance with the rules of an association formed for the purpose of—

- (a) Promoting or safeguarding the interests of any game, sport, or pastime to the playing or exercise of which members of the public are invited or admitted; or
- (b) Promoting or safeguarding the interests of any trade, business, industry, or profession, or of the persons carrying on or engaged in any trade, business, industry, or profession; or
- (c) Promoting or encouraging the exercise of, or an interest in, any art, science, religion, or learning,—

being an inquiry relating to a person who is a member of the association, or is subject by virtue of a contract to the control of the association.

7. A fair and accurate report of the proceedings, or of the result of the proceedings, in an inquiry held in accordance with the rules of any association formed for the purpose of promoting and safeguarding the standards of the New Zealand press.
8. A fair and accurate report of the proceedings at a meeting held in New Zealand that—
  - (a) Is bona fide and lawfully held for a lawful purpose and for the furtherance or discussion of any matter of public concern; and
  - (b) Is open to the public, whether with or without restriction.
9.
  - (1) A fair and accurate report of—
    - (a) The proceedings at a general meeting of a body to which this clause applies (not being a meeting from which the public or members of the news media or both were excluded);
    - (b) A report or other document circulated to shareholders or members by the board of directors or other governing body of a body to which this clause applies (not being a report or document circulated on a confidential basis);
    - (c) A document circulated to shareholders or members by an auditor of a body to which this clause applies (not being a document circulated on a confidential basis).
  - (2) This clause applies to—
    - (a) Any company or association constituted or registered under any Act;
    - (b) Any society registered under the Incorporated Societies Act 1908;
    - (c) Any other body corporate operating in New Zealand,—but does not apply to any private company within the meaning of the Companies Act 1955.
10. A fair and accurate report of the proceedings at a press conference given by or on behalf of any body or person (being a body or person in respect of whose proceedings the publication of any fair and accurate report is, by virtue of section 16(2) of this Act, protected by qualified privilege).
11. A fair and accurate report of a publication issued under the authority of a government or legislature of a foreign state.

- 12.** A fair and accurate copy of or extract from a register that is kept in pursuance of any Act and that is open to inspection by the public, or of any other document that is required by the law of New Zealand to be open to inspection by the public.
- 13.** A notice or advertisement published by or under the authority of a Court, whether within or outside New Zealand, or a Judge or officer of any Court.
- 14.** A notice or advertisement published for the purpose of complying with a New Zealand Act; but not including a notice of an application to a Court or tribunal, or to any other statutory office or statutory body, unless the application has been filed before the publication of the notice.
- 15.** A copy or a fair and accurate report or summary of a statement, notice, or other matter issued for the information of the public by or on behalf of the Government or any department or departmental officer, or any local authority or officer of the authority.

## LOCAL LEGISLATION ACT 1927

### 60 AUTHORIZING HAURAKI UNITED DRAINAGE BOARD TO EXERCISE AN UNEXERCISED LOAN AUTHORITY OF HAURAKI DRAINAGE BOARD

Whereas by a special order (hereinafter referred to as the said special order) duly made on the twenty-fifth day of February, nineteen hundred and twenty-seven, and confirmed on the twenty-sixth day of March, nineteen hundred and twenty-seven, the Hauraki Drainage Board, in pursuance and exercise of powers vested in it in that behalf, decided to raise a special loan of two thousand dollars for a term of thirty-six and a half years, and to pay interest thereon at the rate of six per centum per annum, for the purpose of providing the cost of widening, deepening, improving, and erecting flood-gates in the drains known as the Thames Valley outlet and Te Kauri No 1 drain; widening, deepening, and improving the Wharepoa Road North drain; widening, deepening, and improving the Willow drain; stopbanking the Waihou River from the Willow drain to Dally's outlet drain; and constructing a new intersection drain from the Willow drain to the northern boundary of Section 29, Turua Estate, and declared that the cost of raising the said loan and interest and sinking-fund charges for the first year on the loan should be payable out of the moneys so raised, and that the security for the payment of the interest and sinking fund on the loan should be a special rate of thirteen thirty-seconds of five twelfths of a cent in the dollar on the unimproved rateable value of all lands in Class A, forty-five three hundred and eighty-fourths of a cent in the dollar on the unimproved rateable value of all lands in Class B, and twenty three hundred and eighty-fourths of a cent in the dollar on the unimproved rateable value of all lands in Class C within the Central Loan Special-rating Area as defined in the said special order: And whereas by Order in Council under the Land Drainage Act 1908, dated the eleventh day of March, nineteen hundred and twenty-seven, and published in the *Gazette* of the seventeenth day of the same month, it was ordered and declared that the Hauraki Drainage District and the Horahia Drainage District should, as on and from the first day of April, nineteen hundred and twenty-seven, form one united district under and for the purposes of the said Act, and that the name of the said united district should be the Hauraki United Drainage District: And whereas there is no authority for the Hauraki United Drainage Board to raise the said loan of two thousand dollars: Be it therefore enacted as follows:—

Notwithstanding anything to the contrary in any Act, the Hauraki United Drainage Board is hereby empowered to raise the said loan of two thousand dollars pursuant to the terms of the said special order in all respects as if the said special order had been duly made by it under Local Bodies Loans' Act 1926.

{ Editorial Note: "Hauraki United Drainage Board" abolished on 1 April 1975, and the district of the Board constituted as a separate drainage district of "Hauraki Plains County" (see *Gazette* 1975, p 478). "Hauraki Plains County" amalgamated into "Hauraki District" on 1 November 1989 (see *Gazette* 1989, p 2479). }

**61 AUTHORIZING HAURAKI UNITED DRAINAGE BOARD TO EXERCISE AN UNEXHAUSTED LOAN AUTHORITY OF HORAHIA DRAINAGE BOARD**

Whereas by a poll of the ratepayers of the Horahia Drainage District held on the twenty-first day of January, nineteen hundred and twenty-six, the Horahia Drainage Board was authorized to raise a special loan of thirty-one thousand dollars for drainage-works for the benefit of the said district: And whereas the Horahia Drainage Board executed in respect of the said loan one hundred debentures of two hundred dollars each, sixty of which have been sold by the said Board, and forty of which are held by the Bank of New Zealand under a deed of hypothecation or mortgage executed by the said Board: And whereas by Order in Council under the Land Drainage Act 1908, dated the eleventh day of March, nineteen hundred and twenty-seven, and published in the *Gazette* of the seventeenth day of the same month, it was ordered and declared that the Hauraki Drainage District and the Horahia Drainage District should, as on and from the first day of April, nineteen hundred and twenty-seven, form one united district under and for the purposes of the said Act, and that the name of the said united district should be the Hauraki United Drainage District: And whereas at the date of the constitution of the said Hauraki United Drainage District the said drainage-works were being constructed by contractors under contracts made with the Horahia Drainage Board: And whereas by section fifteen of the Land Drainage Act 1908, the Hauraki United Drainage Board became liable for the payments to become due under such contracts: And whereas the Hauraki United Drainage Board has let further contracts to be paid for out of the said loan: And whereas the Hauraki United Drainage Board, out of its ordinary revenue and out of moneys borrowed by way of bank overdraft, has made payments on such contracts and generally in anticipation of raising the balance of the said loan-moneys: And whereas such payments do not exceed the sum of seven thousand dollars: And whereas there is no authority for the Hauraki United Drainage Board to raise the balance, nineteen thousand dollars, of the said loan: Be it therefore enacted as follows:—

- (1) Notwithstanding anything to the contrary in the Local Bodies' Loans Act 1926, or any other Act, all powers of the Horahia Drainage Board in respect of or in any way incidental or relating to the raising of the said balance of [nineteen thousand dollars] of the said loan shall for all purposes be deemed to have been transferred to the Hauraki United Drainage Board on the constitution of the Hauraki United Drainage District, and the said Hauraki United Drainage Board may, out of the proceeds of any part of the said balance hereafter raised by it, refund to its General Account moneys advanced thereout as aforesaid.
- (2) Any power with respect to debentures issued or to be issued for the purposes of the said loan of [thirty-one thousand dollars] or any part thereof that would have been exercisable by the Horahia Drainage Board if it had continued in existence may be exercised by the Hauraki United Drainage Board.
- (3) Nothing in this section shall prejudice the rights of the Bank of New Zealand in respect of the debentures hypothecated or mortgaged to the said bank by the Horahia Drainage Board.

## LOCAL LEGISLATION ACT 1938

### 7 AUTHORIZING HAURAKI PLAINS COUNTY COUNCIL TO ACQUIRE A WATER-MAIN FOR WATER-SUPPLY DISTRICT AND MAKING SPECIAL PROVISION IN CONNECTION THEREWITH

Whereas the Hauraki Plains County Council (hereinafter called the Council) in the year nineteen hundred and twenty-six constituted an area of the Hauraki Plains County a water-supply district under the provisions of the Water-supply Act 1908, called the Pekapeka Road Water-supply District and instituted in that water-supply district a water-pumping system and reticulation for the supply of water from the Waihou River to the ratepayers in the district: And whereas for the purpose of such water-supply system a loan of four thousand dollars, called the Pekapeka Road Water-supply Loan, maturing on the first day of September, nineteen hundred and forty-six, was raised and secured by a special rate of one and eleven twenty-fourths cents in the dollar] on the unimproved value of all the property in such water-supply district which was constituted a special-rating area: And whereas a sinking fund for such loan was established by annual contributions of eighty dollars, and the Public Trustee is the Sinking Fund Commissioner thereof: And whereas the Council is now instituting a major water-supply system for the supply of water from the Thames mountain range to the eastern part of the Hauraki Plains County, and for that purpose has constituted a water-supply district under the said Act called the Hauraki Plains East Water-supply District, and also a special-rating area called the Hauraki Plains East Water-supply Special-rating Area: And whereas such last-mentioned water-supply district and special-rating area include both the Pekapeka Road Water-supply District and the Pekapeka Road Water-supply Special-rating Area: And whereas the major system is designed to supply good pure water at gravitational pressure, and it is desirable that the Pekapeka Road water-supply system be converted to the major system aforesaid to afford to the ratepayers therein the benefits of the purer water and greater pressure which the major system is designed to supply: And whereas to effect such conversion it is necessary that the Hauraki Plains East Water-supply District and Special-rating Area shall take over the existing water-main in the Pekapeka Road Water-supply District at the valuation thereof of one thousand dollars, and that the Council be authorized to apply the loan-moneys and other funds of the Hauraki Plains East Water-supply Special-rating Area in payment of one thousand dollars as the purchase price for such main into the sinking fund for the Pekapeka water-supply loan and in payment of the capital of such loan at the maturity thereof to the extent to which the accumulated sinking fund therefor shall or may be insufficient, and also to apply the revenue of such last-mentioned special-rating area in payment of interest and sinking fund instalments on such loan as and when the same shall become due: Be it therefore enacted as follows:—

{ Editorial Note: “Water-supply Act 1908” superseded by--  
(a) Part 3 of the Counties Amendment Act 1961 on 1 December 1961:  
(b) Part 25 of the Local Government Act 1974 on 1 April 1980.  
“Hauraki Plains County” amalgamated into “Hauraki District” on 1 November 1989 (see Gazette 1989, p 2479). }

- (1) The Council is hereby authorized to acquire for the Hauraki Plains East Water-supply District and Special-rating Area the existing water-main in the Pekapeka Road Water-

- supply District at the valuation thereof—namely, the sum of one thousand dollars, and to convert such water-main to the Hauraki Plains East water-supply system.
- (2) The Council is hereby authorized to apply the funds of the Hauraki Plains East Water-supply District and the Hauraki Plains East Water-supply Special-rating Area in the manner following:—
- (a) Out of loan or other moneys, to pay to the Public Trustee as Sinking Fund Commissioner for the sinking fund of the Pekapeka Road Water-supply Loan above recited the sum of one thousand dollars in respect of the acquisition of the said water-main of the Pekapeka Road water-supply system:
  - (b) In payment and out of revenue moneys only of the interest and the sinking fund instalments of the said Pekapeka Road Water-supply Loan of four thousand dollars as from the thirty-first day of March, nineteen hundred and thirty-eight:
  - (c) Out of loan or other moneys, to pay at the maturity of the said Pekapeka Road Water-supply Loan the capital thereof to the extent to which the accumulated sinking fund therefor shall or may be insufficient to liquidate such loan.
- (3) The Pekapeka Road Water-supply District is hereby abolished as from the date of the passing of this Act, but the Pekapeka Water-supply Special-rating Area and the special rate or rates constituting the security for the said loan shall remain in full force and effect until such loan shall have been fully redeemed.

{ Editorial Note: References to “the Public Trustee” to be read as references to “Public Trust” as from 1 March 2002. See 2001 No 100, s152(1). }

## LOCAL LEGISLATION ACT 1966

### 12 AUTHORISING HAURAKI PLAINS COUNTY COUNCIL TO ADOPT CLASSIFICATION OF LAND FIXED BY HAURAKI CATCHMENT BOARD

Whereas it has been the function of the Hauraki Catchment Board (in this section referred to as the Board) to undertake the control and management of land drainage works in the Pouarua-Patetonga Special Drainage Area (in this section referred to as the Drainage Area) which is wholly within the Hauraki Plains County: And whereas on the thirteenth day of October, nineteen hundred and sixty-one, the Board classified the Drainage Area for drainage rating purposes in accordance with section 102 of the Soil Conservation and Rivers Control Act 1941 (in this section referred to as the classification) and adopted the acreage system of rating pursuant to section 106B of that Act: And whereas the classification has continuously been in use since the first day of April, nineteen hundred and sixty-two: And whereas it is expedient that the control and management of land drainage works in the Drainage Area should become the function of the Hauraki Plains County Council (in this section referred to as the Council): And whereas the Council has by special order made under section 227 of the Counties Act 1956 declared the Drainage Area to be a drainage district in terms of that section and has assigned to it the name Hauraki Plains Drainage District (in this section referred to as the Drainage District) and fixed the first day of September, nineteen hundred and sixty-five, as the day on which the Drainage District was constituted: And whereas it is desirable that the Council be empowered to adopt the classification for the purpose of levying drainage rates in the Drainage District: And whereas the Board holds the sum of seven thousand five hundred and eighty-nine dollars and forty-two and a half cents, being the balance of the unexpended rates and other money at credit for the Drainage Area, and it is desirable that this sum be paid to the Council for the purposes of the Drainage District: And whereas, pursuant to sections 86 and 95 of the Soil Conservation and Rivers Control Act 1941, the Board has directed the Council to make and levy a separate rate in the Drainage Area for the year ending with the thirty-first day of March, nineteen hundred and sixty-seven, and it is desirable that the proceeds of this rate should be retained by the Council for the purposes of the Drainage District: And whereas there are certain arrears of rates made and levied by the Council by direction of the Board pursuant to the said sections 86 and 95 remaining uncollected and it is desirable that the Council should collect and retain these uncollected arrears of rates for the purposes of the Drainage District: Be it therefore enacted as follows:

Notwithstanding anything to the contrary in any Act, regulation, or rule of law, it shall be lawful—

- (a) For the Council to adopt, by resolution, the classification and the proportions fixed in relation thereto, and to continue to levy the separate rate in the Drainage District on the acreage system of rating for such period as it thinks fit, being a period expiring not later than the thirty-first day of March, nineteen hundred and seventy-three:
- (b) For the Board to pay to the Council, and the Council to accept, all unexpended rates and other money amounting to seven thousand five hundred and eighty-nine dollars and forty-two and a half cents for the purposes of the Drainage District:



- (c) For the Council to retain all rates which have been made, levied, and collected, or which may hereafter be collected by it on behalf of the Board, for the purposes of the Drainage District:
- (d) For the Council to assume liability as from the first day of April, nineteen hundred and sixty-six, for all land drainage works in the Drainage District and for all expenditure in connection therewith under Part 16 of the Counties Act 1956.

## RESERVES AND OTHER LANDS DISPOSAL ACT 1961

### 14 PROVISION FOR THE REPEAL OF THE HAURAKI PLAINS ACT 1926 AND THE VESTING OF CERTAIN ASSETS OF THE FORMER HAURAKI PLAINS DRAINAGE DISTRICT IN THE HAURAKI CATCHMENT BOARD

Whereas the Hauraki Plains Drainage District (in this section referred to as the District) has been administered by the Minister of Lands (in this section referred to as the Minister) under the provisions of the Hauraki Plains Act 1926 (in this section referred to as the principal Act): And whereas the Minister is empowered to construct and carry on such works as he thinks fit for the survey, drainage, reclamation, and roading of the District or otherwise rendering the same fit for settlement, and to maintain such works in proper order and condition: And whereas by Order in Council made on the twenty-eighth day of June, nineteen hundred and sixty-one, pursuant to the Local Government Act 1974 and published in the *Gazette* of the twenty-ninth day of that month, the District was abolished: And whereas it is desirable that the principal Act be repealed and that the care, control, and management of the drainage works in the District be carried out pursuant to the provisions of the Land Drainage Act 1908 and the Soil Conservation and Rivers Control Act 1941: And whereas it is equitable that the debts and liabilities of the District remain the liability of the Crown: Be it therefore enacted as follows:

{ Editorial Note: “Local Government Commission Act 1953” consolidated into—  
“Local Government Commission Act 1961” (1961 No 132) on 1 January 1962:  
“Local Government Commission Act 1967” (1967 No 134) on 1 January 1968:  
“Local Government Act 1974” (1974 No 66) on 1 December 1974.

- (1) This section shall come into force on the first day of April, nineteen hundred and sixty-two.
- (2) In this section the term Crown land has the same meaning as in the Land Act 1948.
- (3) All the land, easements, and other interest in land, drains, pumps, machinery, tools, implements, and drainage works owned by the Crown in respect of the drainage system carried on by the Minister in the District are hereby vested in the Hauraki Catchment Board (in this section referred to as the Board).

{ Editorial Note: “Hauraki Catchment Board and Regional Water Board” amalgamated into “Waikato Regional Council” on 1 November 1989 (see *Gazette* 1989, p 2463). }

- (4) The decision of the Minister as to what assets have vested in the Board under subsection (3) of this section shall be final.
- (5) A notice in the *Gazette* by the Minister specifying that any land, easement, or other interest in land has vested in the Board under subsection (3) of this section shall be conclusive evidence of that vesting to the District Land Registrar and shall be sufficient authority to him to issue a certificate of title to the land in the name of the Board and to make such memorials in the register book and in any instrument of title as are necessary to record the vesting in the Board of any such land, easement, or other interest.

- (6) Notwithstanding the provisions of section 11 of the Soil Conservation and Rivers Control Amendment Act 1946, as amended by subsection (4) of section 15 of the Soil Conservation and Rivers Control Amendment Act 1948, the debts and liabilities of the Crown in respect of the District shall remain the debts and liabilities of the Crown.
- (7) In respect of Crown land in the District of which there is for the time being no occupier within the meaning of the Rating Powers Act 1988, the Commissioner of Crown Lands for the South Auckland Land District shall be deemed to be the occupier for the purposes of rates levied by the Board, and all rates payable in respect of such land shall from time to time be payable out of money appropriated by Parliament for that purpose.
- (8) The Board shall have the power to collect all rates for drainage purposes outstanding at the first day of April, nineteen hundred and sixty-two, in respect of any property in the District. All outstanding rates collected by the Board shall be paid to the Minister.
- (9) In every other respect the provisions of the Land Drainage Act 1908 and the Soil Conservation and Rivers Control Act 1941 shall, on and after the first day of April, nineteen hundred and sixty-two, apply to and be observed in respect of the District.
- (10) Any land acquired under the principal Act remaining unalienated from the Crown at the commencement of this section (other than land subject to subsection (3) of this section) shall be deemed to be Crown land subject to the provisions of the Land Act 1948, and all rent, interest, purchase money, and all other money derived from the lease, sale, or other disposition thereof shall be paid to the credit of the Land Settlement Account.
- (11) Notwithstanding any other provision contained in this section, payment of any necessary money for drainage works undertaken by the Minister before the commencement of this section shall from time to time be made out of money appropriated by Parliament for the purpose, whether such works are completed before or after the commencement of this section.
- (12) The following enactments are hereby repealed, namely—
  - (a) The Hauraki Plains Act 1926:
  - (b) Section 7 of the Finance Act 1932:
  - (c) Section 27 of the Reserves and Other Lands Disposal Act 1949.
- (13) The Finance Act 1932 is hereby amended by omitting from the Schedule 1 so much thereof as relates to the Hauraki Plains Act 1926.
- (14) Repealed.
- (15) The Summary Proceedings Act 1957 is hereby amended by omitting from Part 2 of the Schedule 1 so much thereof as relates to the Hauraki Plains Act 1926.

## **H A U R A K I P L A I N S C O U N T Y C O U N C I L E M P O W E R I N G (K E R E P E H I S E W E R A G E W O R K S) A C T 1 9 7 5**

### **Local Act 1975 No 13**

An Act to empower the Hauraki Plains County Council to make and levy a capital charge on certain property within the Hauraki Plains County

WHEREAS the Hauraki Plains County Council proposes to raise a loan for the purpose of installing and maintaining sewerage works at Kerepehi: And whereas it is expedient and desirable that the Hauraki Plains County Council be empowered to make and levy a capital charge to meet part of the costs of the said sewerage works:

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

#### **1 Short Title**

This Act may be cited as the Hauraki Plains County Council Empowering (Kerepehi Sewerage Works) Act 1975.

#### **2 Hauraki Plains County Council authorised to levy capital charge**

- (1) The Hauraki Plains County Council may make and levy a capital charge not exceeding \$525 on every owner of rateable property within the area defined in the Schedule to this Act, the proceeds of which shall be expended for the purposes of the installation, maintenance, and extension of sewerage works at Kerepehi or for the payment of annual charges on any loans raised in connection with such sewerage works.
- (2) Where any such rateable property comprises 1 or more allotments each of which are capable of being connected (either directly or through a private drain) to the Kerepehi sewerage system, the Council may make and levy the charge specified in subsection (1) of this section in respect of each such allotment.
- (3) The Council and the owner may agree that the amount of any such charge shall be payable in one amount at a fixed time, or by instalments extending over a number of years. That agreement may contain any incidental provisions and may provide for the earlier payment of instalments, or any of them, on terms to be set out in the agreement.
- (4) That agreement may, where the charge is payable in one amount, contain provisions for securing the payment thereof. If the charge is payable by instalments, each such instalment shall for all purposes be deemed to be a rate and shall be recoverable as rates are recoverable under the Rating Act 1967, and the provisions of that Act as to the recovery of rates shall, with the necessary modifications and except to the extent that they are inconsistent with this Act, apply accordingly, subject to the following conditions:

- (a) The owner for the time being of the rateable property in question shall in all cases be deemed to be the person primarily liable for payment:
- (b) A separate record shall be kept by the Council, in which particulars of the amount of the charge and of any instalments agreed upon and the dates for payment thereof, and of the names of persons paying the same, shall be entered; and that record shall be prima facie evidence of the correctness of its contents.

### **Schedule**

#### **Section 2(1)**

##### **Kerepehi—Special Rating Area**

ALL that area in the South Auckland District, Hauraki Plains County, being part Kerepehi Township and Part Block VI Waihou Survey District, containing 39 hectares more or less, bounded by a line commencing at the centre point of the street intersection on the Kerepehi-Turua Road fronting part 7B6C, Tiritiri Block, and proceeding northwards along the centre line of the street to a point opposite the production, westwards, of the northern boundary of 7B6D3B2B2; thence eastwards along the northern, boundaries of 7B6D3B2B2, 7B6D3B2A, 7B6D3B2B1 (Maori Reserve) and 7B6A to its northernmost corner; thence southwards along the eastern boundary of 7B6A to its junction with 7B6A (School Site) and eastwards along the northern boundary of that section and its production to the centre line of the street; thence southwards along the street centre line to a point opposite the production westwards of the northern boundary of Lot 3, DPS 14714; then eastwards along the northern boundary of the said Lot 3, and southwards along the eastern boundaries of Lots 3, 2, and 1, DPS. 14714; thence westwards along the southern boundary of Lot 1, DPS 14714 to its intersection with the street; thence southwards along the western boundaries of 2A1B2B and Lot 1, DP 27388; thence eastwards along the northern boundaries of Sections 1, 2, 3, 4, (Rimu Street), 8, 9, (Kaikahu Road) and 20, all on SO (Plan) 20984; thence southwards along the eastern boundaries of Sections 20, 21 and 22, SO 20984; thence eastwards on a line bearing 71° 49' 15" to the eastern boundary of section 29, SO 20984; thence southwards along the eastern boundary of that same Section 29, SO 20984 and its production to the centre line of the Kerepehi-Turua Road; thence westwards along the centre line of that road to its point of intersection with the production, northwards, of the eastern boundary of Section 10, Block VII, SO (Plan) 18400; thence southwards to the north-east corner of the said Section 10 and along the eastern boundary of that Section 10 for a distance of 161 metres; thence westwards along a bearing of 252° 09' 30" for a distance of 60 metres; thence southwards along a bearing of 162° 09' 30" to the southern boundary of Section 10 aforesaid; thence westwards along the southern boundaries of the said Section 10, and Section 9 (both shown on SO 18400), and the production of that line to the centre line of Kaikahu Road; thence northwards along the centre line of Kaikahu Road to a point opposite the production, westwards, of the northern boundary of Section 7, Block VII, SO 18400; thence westwards along a line bearing 252° 09' 30", through sections 6, 5, 4, and 3, Block VI, SO 18400, to the western boundary of the last mentioned Section 3; thence northwards along its western boundary and the production of that boundary to the centre line of Miro Street; thence westwards along the centre line of that street to the mid-point of its intersection with Rimu Street; thence northwards along the centre line of Rimu Street to a point opposite the southern boundary of Section 18, Block II, SO 18400, and along the southern and western boundaries of the said Section 18 and also the western boundary of Lot 16, Block II, SO 18400; thence along the southern boundary of Section 13, Block II, SO 18400 and its production to the centre line of Rata Street; thence north along the centre line of

Rata Street to a point opposite the southern boundary of Section 8, Block I, SO 18400 and westwards along its southern boundary; thence northwards along the western boundaries of Sections 8, 7, 6, and 5, Block I, SO 18400, and the production of that line to the southern boundary of Section 111, SO (Plan) 45380; thence westwards along its southern boundary and the southern boundaries of Lots 4, 3, 2, and 1, DP 20027, Lots 1 and 3, DP 18537, Lots 1 and 2, DPS 7988, and Lot 1, DPS 14715, and westwards 9.84 metres to the boundary intersection; thence northwards along a bearing of  $352^{\circ} 46' 40''$  to the centre line of the Kerepehi-Turua Road; thence westwards along the centre line of that road to the point of commencement.

## HAURAKI PLAINS COUNTY EASTERN WATER-SUPPLY EMPOWERING ACT 1935

### Local Act 1935 No 3

AN ACT to enable the Hauraki Plains County Council to take, divert, and impound Water in certain Streams in the Hauraki Mining District for supplying Water to Parts of the County of Hauraki Plains and to the County of Thames, and to validate an Agreement made between such Council and the Thames County Council.

WHEREAS it is expedient to enable the Hauraki Plains County Council to take, divert, and impound the waters flowing into and in the stream in the County of Thames in the Hauraki Mining District called Apakura Stream, and the tributary thereof called Canoe Creek, for the purpose of supplying water to the inhabitants of portions of the County of Hauraki Plains and to part of the County of Thames, and for the same purpose to empower such Council to lay mains and pipes from such streams to the County of Hauraki Plains over reserves and roads and across the Paeroa-Thames railway-line and the Waihou River, which powers are not presently vested in such Council in respect of lands within a mining district: And whereas there is no source of water suitable for the aforesaid purpose available except in the Hauraki Mining District above mentioned: And whereas the said Council and the Thames County Council have entered into an agreement respecting the user of such water, and it is desirable that such agreement should be validated to set at rest any doubts as to the legality thereof:

**BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—**

#### 1 Short Title

This Act may be cited as the Hauraki Plains County Eastern Water-supply Empowering Act 1935.

#### 2 Power to take water and lay mains

The Hauraki Plains County Council is hereby empowered to take, divert, and impound the water flowing into and in the streams known as Apakura Stream and Canoe Creek, situated in Blocks IX and XIII, Tairua Survey District, in such manner as to the Hauraki Plains County Council shall seem expedient, for the purpose of supplying the same to inhabitants in parts of the County of Hauraki Plains, and to lay mains and pipes from the said streams to the County of Hauraki Plains through part of the County of Thames, in the Hauraki Mining District, along reserves and roads, and across the Thames-Paeroa Railway and the Waihou River, and to convey water through such mains and pipes:

Provided that the authority hereby conferred to lay pipes across the said railway and the said river shall be exercised only with the consent of and in a manner approved of by the Government Railways Board in respect of the railway and the Minister of Transport and the Minister of Works and Development in respect of the river.

{ Editorial Note: "Ministry of Works and Development" abolished on 1 April 1988 (see 1988 No 43, s5), consents and approvals granted by the Commissioner of Works to continue in full force until amended, transferred or revoked by the Chief Executive of the responsible department of State (see 1988 No 42, s6(2)). }

### **3 Exclusion of the Mining Act 1926**

- (1) The said streams shall be deemed removed from the operation of the Mining Act 1926, as from the commencement of the construction of works by the Hauraki Plains County Council.
- (2) From the date of the passing of this Act no mining rights, licenses, or easements over such streams or either of them shall be granted or created, and such streams and their several tributaries shall not thereafter be proclaimed tail-races or watercourses into which tailings, mining debris, or waste water may be discharged:

Provided that if on the first day of July, nineteen hundred and forty-one, or such later date in that behalf as may be fixed by the Minister of the Crown, the Hauraki Plains County Council shall not have commenced the construction of the water-supply works aforesaid, then and in such case only the restrictions imposed by this section shall cease to apply to such streams.

### **4 Water Supply Act 1908, to apply**

The provisions of the Water Supply Act 1908, shall apply to the works and operations authorized by this Act in the same manner as if the said streams and the line of the said mains and pipes were not in a mining district notwithstanding the provisions of subsection four of section one of the Water-supply Act 1908:

Provided that the supply of water to be made by the Hauraki Plains County Council to the Thames County Council under the agreement hereinafter validated shall not be affected by the provisions of section eleven of the Water Supply Act 1908.

### **5 Power to do all necessary works**

The Hauraki Plains County Council is hereby empowered from time to time to sink such wells or shafts and make, construct, install, maintain, procure, and alter such reservoirs, dams, weirs, waterworks, cisterns, tanks, aqueducts, tunnels, cuts, excavations, races, sluices, pipes, culverts, drains, engines, pumps, and other works and appliances necessary or incidental to the water-supply works above mentioned.

### **6 Approval of Local Government Loans Board and poll of ratepayers**

The powers conferred by the preceding sections of this Act shall not be exercised by the Hauraki Plains County Council until loan proposals for the construction of the water-supply works aforesaid shall have been sanctioned by the Local Government Loans Board pursuant to the provisions of the Local Government Loans Board Act 1926, and the first or some subsequent poll of the ratepayers in the areas in the County of Hauraki Plains intended to be reticulated with water from the aforesaid source shall have been taken pursuant to the Local Bodies' Loans Act 1926, upon and resulted in favour of such loan proposals.

## **7 Immunity from rates, fees, and rentals**

The rights and powers created by this Act or under the agreement hereby validated shall not be assessable for rating or subject to payment of any license fees or rentals.

## **8 Validation of agreement**

The agreement set forth in the Schedule to this Act shall be deemed valid and binding on the Hauraki Plains County Council and the Thames County Council respectively.

### **Schedule**

THIS deed is made the 7th day of August 1934 between the body corporate named the Chairman Councillors and Inhabitants of the County of Thames (which with its successors is hereinafter deemed to be included in and bound by the term "The Thames County Council") of the one part and the body corporate named the Chairman Councillors and Inhabitants of the County of Hauraki Plains (which with its successors is hereinafter deemed to be included in and bound by the term "The Hauraki Plains County Council") of the other part Whereas the said bodies corporate are local authorities duly constituted under the Counties Act 1920 And whereas the respective counties of such bodies corporate are proximate to each other And whereas the County of Thames is within the Hauraki Mining District And whereas the portion of the County of Hauraki Plains on the eastern side of the Piako River is lacking a supply of pure fresh water within its boundaries and within the Thames County there is a suitable supply of water in a stream named the Apakura Stream and a tributary thereof named Canoe Creek and licenses under the Mining Act 1926 for a water-race and for a dam-site in respect of the said Apakura Stream were granted to the Thames County Council for the term of forty-two (42) years from the 20th day of April 1928 but no works have yet been constructed by the Thames County Council upon the said Apakura Stream And whereas the Hauraki Plains County Council being desirous of acquiring rights to use the water from the said stream applied to the Warden of the Hauraki Mining District at Thames for a grant of licenses to such water but it appears that the Hauraki Plains County Council has no legal power or authority to acquire such rights under the Mining Act 1926 or to appropriate and use such water under any other statute And whereas the application of the Hauraki Plains County Council was opposed by the Thames County Council and the said applications were adjourned to enable further consideration of the legal position and the said County Councils have conferred and come to an agreement upon the terms and conditions hereinafter contained Now this deed witnesseth and it is hereby agreed by and between the said bodies corporate:—

1. The Hauraki Plains County Council shall promote and procure if possible the passage of legislation empowering such Hauraki Plains County Council to construct water-works drawing water from the said Apakura Stream and the said Canoe Creek and to construct and maintain a water-race or pipe-line over the reserves adjoining the said stream and creek and over the roads of the Thames County to the Waihou River and validating this deed and the contract for the supply of water to the Thames County Council herein contained and the Thames County Council shall assist in the procuring of such empowering and validating legislation in so far as such assistance may be necessary or desirable.

2. When the said proposed water-supply scheme of the Hauraki Plains County Council shall have been approved by the Local Bodies' Loans Board and the raising of the necessary loan or loans shall have been authorized by the carrying of a poll of the ratepayers in the area within the Hauraki Plains County proposed to be supplied with water from the said stream and any other legal requirements precedent to the construction of water-works by the Hauraki Plains County Council shall have been fulfilled or complied with the Thames County Council shall and will relinquish and surrender the said licenses for a dam-site and for a water-race provided that the Thames County Council shall not be bound to so relinquish and surrender such rights after the 1st day of July 1941.
3. After the compliance with all precedent legal requirements to the raising of the loan or loans for the construction of the said water-works and upon the raising of such loan or loans the Hauraki Plains County Council shall be at liberty to forthwith undertake the construction of such works including the laying of a main pipe-line of such diameter as it may deem necessary from the headworks at the Apakura Stream to the Waihou River and shall provide a three-inch-diameter connection in such main pipe-line at or near the township of Puriri in the Thames County at a point decided upon by the Engineer for the time being of the Thames County Council and so long as the water scheme shall be operating will permit the Thames County Council to connect pipes to such connection and draw off at the same a maximum quantity of one hundred thousand (100,000) gallons of water in each twenty-four hours at a maximum rate of six thousand (6,000) gallons per hour but without restricting the size of pipe to be fitted to such connection by the Thames County Council:

Provided that if the total quantity of water drawn from the said main pipe-line by the Thames County Council at any time to the knowledge of or after notice shall have been given to the Thames County Council or its County Clerk or Engineer shall exceed the aforesaid maximum of one hundred thousand (100,000) gallons in any period of twenty-four hours then and in such case the Hauraki Plains County Council shall have the right thereupon and thereafter to reduce the rate at which such water may be drawn by the Thames County Council to an even rate And provided always the Hauraki Plains County Council shall not be liable to the Thames County Council for or in respect of any interruption of the supply of water due to any involuntary or unforeseen cause or causes And provided also that during any period in which the quantity of water available in the Apakura Stream at the point in intake of the said proposed water-works together with water from any tributaries of the said stream which may have been taken advantage of by the Hauraki Plains County Council shall be insufficient to meet the demands upon such water-supply system then the quantity of water drawn by the Thames County Council at the aforesaid connection and the rate of withdrawal shall be reduced pro rata with the reduction of the quantity of water available in such system to the Hauraki Plains County Council and for such purpose the quantity normally available to the Hauraki Plains County Council shall be deemed to be seven hundred thousand (700,000) gallons in each twenty-four hours.

4. The Thames County Council in respect of all water drawn by it from the said main shall take all proper and reasonable steps to prevent loss or wastage of water and promptly remedy any leaks or defects resulting in such loss or wastage and will also require

consumers in its district using such water to provide upon their properties reasonable storage for water.

5. The Hauraki Plains County Council shall be responsible for the restoration of all damage to the roads in the Thames County caused in laying of the said main pipe-line or by a break occurring in the same and shall maintain in good order to the reasonable requirements of the engineer employed by the Thames County Council those parts of the surface of the road or roads in the Thames County affected by the laying of the said main pipe-line.
6. The Hauraki Plains County Council shall reimburse the Thames County Council in the amount of the reasonable costs and expenses incurred by the Thames County Council in the opposing of the above recited applications to the Warden of the Hauraki Mining District not exceeding one hundred and twenty-four dollars (\$124) and also in the procurement of validation and completion of these presents in so far as the same shall be done at the request of the Hauraki Plains County Council.
7. Excepting as to the payment of such of the aforesaid costs and expenses as shall be ordered by the Warden to be paid by the Hauraki Plains County Council to the Thames County Council these presents are conditional upon and subject to validation by legislation as aforesaid and excepting as to all payments to be made under clause six hereof to approval by the Local Bodies' Loans Board of the proposed water-supply scheme and loan proposals in relation to the same and to the carrying of a poll of ratepayers in the area of the Hauraki Plains County proposed to be served by the said proposed water-supply scheme and to any other legal requirements necessarily precedent to the execution of the said works and also to the raising of the loan or loans to enable the execution of the said works.

Provided that these presents shall not be deemed terminated or determined by the defeat of any particular poll or polls of ratepayers but shall continue in effect until the 1st day of July 1941 notwithstanding the defeat of any particular poll or polls of ratepayers as aforesaid.

8. If the Hauraki Plains County Council shall not have let contracts for the purchase of the requisite water-pipes and commenced the construction of the said proposed water-works by the 1st day of July 1941 then these presents shall determine and all obligations hereunder excepting those under clause six hereof shall be ended but otherwise these presents shall continue in full force and effect.

## REGIONAL LAND TRANSPORT COMMITTEE

### Purpose

- 3) To enable Hauraki District Council to:
  - a) Identify the future land transport needs of the District;
  - b) Identify the most desirable means of responding to such needs in a safe and cost effective manner, having regard to the effect the transport system is likely to have on the environment;
  - c) Identify an appropriate role for each land transport mode in the District;
  - d) Assist in the development of Land Transport Strategies and Plans for the Waikato region.
- 4) To develop closer integration between local authorities and agencies involved in land transport to improve the District's local land transport capability.

### Responsibilities

On behalf of the Hauraki District Council, the Regional Land Transport Committee Representatives shall have specific responsibility for:

- 1) Ensuring that Hauraki District Council's legislative obligations in respect to land transport are being met. The legislative provisions include, but are not limited to:
  - a) Land Transport Act 1998
  - b) Any enactment passed in substitution of any of the Acts in (a)
- 2) Developing effective working relationships with members of the Regional Land Transport Committee, its sub-committees and other land transport agencies;
- 3) Advocating for the land transport needs of the Hauraki District in local, regional and national forums.
- 4) Recommending changes and improvements in the way land transport is administered and delivered.
- 5) Ensuring that the Hauraki District Council is kept informed of land transport issues.
- 6) Reviewing and recommending improvements or changes to Hauraki District Council land transport policy and procedures.

### Delegations

In order to carry out their specific responsibilities, the Regional Land Transport Representatives are delegated authority to:

- 1) Vote on matters included in the Regional Land Transport Committee order papers, in accordance with:

- a) the terms of reference of the Regional Land Transport Committee; and
  - b) approved Hauraki District Council policy.
- 2) Represent Hauraki District Council at ceremonial functions associated with this role;
  - 3) Advocate on land transport issues on behalf of Hauraki District Council in accordance with approved Council policy or guidelines;

Without prior approval from Hauraki District Council, the representatives do not have delegated authority to:

- 1) appoint a deputy; or
- 2) commit Hauraki District Council to contractual obligations or expenditure.

### **Representation**

The authorised representatives for the Regional Land Transport Committee shall be:

- The Mayor
- Cr Don Challis

### **Relationships with Other Parties**

Although representatives are encouraged to develop relationships with land transport providers in the community to acquire an awareness of local land transport issues, the representatives do not have any authority to become involved in operational activities.

### **Conduct of Affairs**

The representatives shall conduct their affairs in accordance with the *Local Government Act 2002*, the *Local Government Official Information and Meetings Act 1987*, the *Local Authorities (Members' Interests) Act 1968*, Standing Orders and approved Hauraki District Council policy.

### **Reporting**

In the month following all meetings of the Regional Land Transport Committee, the representatives shall present a report and minutes of the meetings to Council.

### **Administrative Support**

The District Engineer will provide administrative support to the representatives as required.

## REPRESENTATIVES TERMS OF REFERENCE

### HAURAKI COROMANDEL DEVELOPMENT GROUP

#### Purpose

1. To ensure that the Hauraki District Council:
  - a. Drives economic development in the Thames Valley region;
  - b. Implements the findings of the Regional Economic Development Strategy; and
  - c. Facilitates cross-border cooperation on economic development, where mutually beneficial

#### Responsibilities

On behalf of the Hauraki District Council, the Hauraki Coromandel Development Group Representative shall have specific responsibility for:

1. Fulfilling a governance role for the Hauraki Coromandel Development Group to ensure that the following objectives are met:
  - a. Providing a forum for Councils, Iwi and others to discuss economic development in the Region;
  - b. Pursuing the initial focus on developing the tourism sector to increase visitor spend in the Region;
  - c. Maintaining a watching brief on education initiatives;
  - d. Reviewing/revising the Regional Economic Development Strategy to identify additional economic development initiatives and projects. These might include:
    - i) Primary Industry Productivity Enhancement;
    - ii) Waste Minimisation;
    - iii) Skills Training Enhancement;
    - iv) Innovative Farming Developments;
    - v) Water Quality Enhancement;
    - vi) Roding Network Development; and
    - vii) Aquaculture processing.
  - e. Completing an Action Plan for economic development in the Region;
  - f. Securing financial support for economic development initiatives and projects. This will include working with the Thames-Coromandel District Council to pursue funding opportunities arising from the Local Government Act 2002 and Local Government (Rating) Act 2002;
  - g. Maintaining a cost effective and transparent operation that maximises the administration and communication already existing within the Councils;
  - h. Regularly reviewing the Group's achievements, overall economic development in the Region and considering possible alternatives to the Group that might ultimately enhance economic development in the Region.
2. Developing effective working relationships with members of the Hauraki Coromandel Development, its committees and the other economic development agencies;
3. Advocating for the economic development needs of the Hauraki district;

4. Reporting back to the Hauraki District Council following meetings of the Hauraki Coromandel Development Group;
5. Considering and, as appropriate, recommending improvements or changes to Hauraki District Council economic development policy and plans to maintain consistency with the Hauraki Coromandel Development Group policy and plans; and
6. Liaising with the Chief Executive and Group Manager, Policy and Planning to ensure that all parties are kept informed of relevant economic development issues.

### **Delegations**

In order to carry out their specific responsibilities, the Hauraki Coromandel Development Group representative is delegated authority to:

1. Vote on matters included in the Hauraki Coromandel Development Group order papers, in accordance with:
  - a. Approved Hauraki Coromandel Development Group terms of reference; and
  - b. Approved Hauraki District Council policy and plans.
2. Undertake such functions as are approved and allocated by the Hauraki Coromandel Development Group to meet the obligations of the Committee;
3. Advocate on economic development issues on behalf of Hauraki District Council in accordance with approved Council policy or guidelines;
4. Act as Council's spokesperson on matters relating to the Hauraki Coromandel Development Group in accordance with approved Council policy or guidelines; and
5. Represent Hauraki District Council at ceremonial functions associated with this role.

Without prior approval from Hauraki District Council, the representative does not have delegated authority to:

1. Delegate any of his/her responsibilities, duties, or powers;
2. Commit Hauraki District Council to contractual obligations or expenditure; or
3. Approve changes to the Hauraki Coromandel Development Group terms of reference.

### **Skills Required by Representatives**

Representatives to the Hauraki Coromandel Development Group are required to demonstrate the following skill sets:

1. Civic entrepreneurs who apply the same entrepreneurial spirit and persistence to solving regional challenges that business entrepreneurs apply when building business;
2. Integrators who see the need for more connected regional approaches to addressing economic, environmental and social objectives;
3. Boundary crossers who work beyond traditional governance and consistently collaborate across organisational boundaries and political jurisdictions;
4. Coalition builders who build support from leaders, citizens, interest groups and policy professionals towards a shared regional vision;
5. An understanding of governance issues;

6. Either business experience or other experiences that are relevant to business development activities;
7. Sound judgement;
8. A high standard of personal integrity; and
9. The ability to work as a team member.

#### **Representation**

The authorised representative for the Hauraki Coromandel Development Group shall be:

- Mayor or his/her representative [Nominee]

#### **Relationships with Other Parties**

The Hauraki District Council Economic Development Officer will work closely with the group to progress projects of benefit to the Hauraki and Thames-Coromandel districts. However, the collective decisions or instructions of the Hauraki Coromandel Development Group may only be conveyed to the Economic Development Officer through the Chief Executive, Hauraki District Council.

#### **Frequency of Attendance**

The representative may attend:

- All meetings of the Hauraki Coromandel Development Group;
- Ceremonial functions associated with the role; or
- Other such associated meetings approved by the Hauraki Coromandel Development Group or Hauraki District Council.

Provided that, if the number of meetings attended is greater than six (6) in any one year, approval to receive reimbursement of expenses for the additional meetings must be obtained from Hauraki District Council.

#### **Reporting**

At the Council meeting, following all meetings of the Hauraki Coromandel Development Group, the representative shall present a report and minutes of the meetings to Council.

#### **Conduct of Affairs**

The representatives shall conduct their affairs in accordance with the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, the Local Authorities (Members' Interests) Act 1968, Council's Standing Orders, Code of Conduct and approved Hauraki District Council policies and plans.

#### **Remuneration**

Representatives will be reimbursed in accordance with the current Local Government Elected Members' Determination.

#### **Funding**

Funding for the Hauraki Coromandel Development Group activities will align with Council's Revenue and Financing Policy.

Funding shall only be expended, by delegated staff, on purposes for which that funding was originally raised and in accordance with the budgets approved by Council through its Long-term Council Community Plan and Annual Plan.

Expenses will be funded from the Economic Development activity budget in accordance with Council policy.

#### **Resource Pack**

1. Hauraki Coromandel Development Group Representative Terms of Reference
2. Hauraki Coromandel Development Group Terms of Reference
3. Thames Valley Regional Economic Development Strategy

## REGIONAL ROAD SAFETY SUBCOMMITTEE

### Purpose

- 1) To enable Hauraki District Council to:
  - a) Identify road safety needs of the District;
  - b) Identify the most effective programmes to address the District's road safety concerns;
  - c) Identify appropriate roles for the delivery of road safety in the District; and
  - d) Assist in the development and implementation of Road Safety Strategies and Plans for the Waikato region.
- 2) To develop closer integration between local authorities and agencies involved in road safety to improve the District's road safety capability.

### Responsibilities

On behalf of the Hauraki District Council, the Regional Road Safety Subcommittee Representatives shall have specific responsibility for:

- 1) Ensuring that Hauraki District Council's legislative obligations in respect to road safety are being met. The legislative provisions include, but are not limited to:
  - a) Land Transport Act 1998
  - b) Any enactment passed in substitution of any of the Acts in (a)
- 2) Developing effective working relationships with members of the Regional Road Safety Subcommittee and other road safety agencies;
- 3) Advocating for the road safety needs of the Hauraki district in local, regional and national forums.
- 4) Recommending changes and improvements in the way road safety is administered and delivered;
- 5) Ensuring that the Hauraki District Council is kept informed of road safety issues; and
- 6) Reviewing and recommending improvements or changes to Hauraki District Council road safety policy and procedures.

### Delegations

In order to carry out their specific responsibilities, the Regional Road Safety Subcommittee Representatives are delegated authority to:

- 1) Vote on matters included in the Regional Road Safety Subcommittee order papers, in accordance with:

- a) the terms of reference of the Regional Road Safety Subcommittee; and
  - b) approved Hauraki District Council policy.
- 2) Represent Hauraki District Council at ceremonial functions associated with this role;
  - 3) Advocate on road safety issues on behalf of Hauraki District Council in accordance with approved Council policy and guidelines;

Without prior approval from Hauraki District Council, the representatives do not have delegated authority to:

- 1) appoint a deputy; or
- 2) commit Hauraki District Council to contractual obligations or expenditure.

### **Representation**

The authorised representatives for the Regional Road Safety Subcommittee shall be:

- The Mayor
- Cr Don Challis

### **Relationships with Other Parties**

Although representatives are encouraged to develop relationships with road safety providers in the community to acquire an awareness of local road safety issues, the representatives do not have any authority to become involved in operational activities.

### **Conduct of Affairs**

The representatives shall conduct their affairs in accordance with the *Local Government Act 2002*, the *Local Government Official Information and Meetings Act 1974*, the *Local Authorities (Members' Interests) Act 1968*, Standing Orders and approved Hauraki District Council policy.

### **Reporting**

In the month following all meetings of the Regional Road Safety Subcommittee, the representatives shall present a report and minutes of the meetings to Council.

### **Administrative Support**

The District Engineer will provide administrative support to the representatives as required.

## LOCAL GOVERNMENT ACT 2002

### Schedule 7

#### Conduct Of Meetings & Members Calling & Procedures Of Meetings

##### Conduct of members

##### 14. Declaration by member

- (1) A person may not act as a member of a local authority until—
- (a) that person has, at a meeting of the local authority following the election of that person, made an oral declaration in the form set out in subclause (3); and
  - (b) a written version of the declaration has been attested as provided under subclause (2).
- (2) The written declaration must be signed by the member and witnessed by—
- (a) the chairperson; or
  - (b) the mayor; or
  - (c) a member of the local authority; or
  - (d) the chief executive of the local authority; or
  - (e) in the absence of the chief executive, some other officer appointed by the chief executive.
- (3) The form of the declaration must consist of the following elements:

##### **Declaration by mayor or chairperson or member**

“I, AB, declare that I will faithfully and impartially, and according to the best of my skill and judgement, execute and perform, in the best interests of [*region or district*], the powers, authorities, and duties vested in, or imposed upon, me as [*mayor or chairperson or member*] of the [*local authority*] by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act

Dated at [*place*] this [*number*] day of [*month*] [*year*]

Signature:

Signed in the presence of:

CD, [*mayor or chairperson or member or chief executive of local authority*]”.

## **15. Code of conduct**

- (1) A local authority must adopt a code of conduct for members of the local authority as soon as practicable after the commencement of this Act.
- (2) The code of conduct must set out—
  - (a) understandings and expectations adopted by the local authority about the manner in which members may conduct themselves while acting in their capacity as members, including—
    - (i) *behaviour toward one another, staff, and the public; and*
    - (ii) *disclosure of information, including (but not limited to) the provision of any document, to elected members that—*
      - (A) *is received by, or is in the possession of, an elected member in his or her capacity as an elected member; and*
      - (B) *relates to the ability of the local authority to give effect to any provision of this Act; and*
  - (b) a general explanation of—
    - (i) *the Local Government Official Information and Meetings Act 1987; and*
    - (ii) *any other enactment or rule of law applicable to members.*
- (3) A local authority may amend or replace its code of conduct, but may not revoke it without replacement.
- (4) A member of a local authority must comply with the code of conduct of that local authority.
- (5) A local authority must, when adopting a code of conduct, consider whether it must require a member or newly elected member to declare whether or not the member or newly elected member is an undischarged bankrupt.
- (6) After the adoption of the first code of conduct, an amendment of the code of conduct or the adoption of a new code of conduct requires, in every case, a vote in support of the amendment of not less than 75% of the members present.
- (7) To avoid doubt, a breach of the code of conduct does not constitute an offence under this Act.

## **16. Members to abide by standing orders**

- (1) A member of a local authority must abide by the standing orders adopted under clause 27.
- (2) A member of the police, or an officer or employee of a local authority, may, at the request of the chairperson, remove or exclude a member from a meeting

if that member is required to leave the meeting by a ruling made under the standing orders and that member—

- (a) refuses or fails to leave the meeting; or
- (b) having left the meeting, attempts to re-enter the meeting without the permission of the chairperson.

Cf 1974 No 66 s 114V

## Calling of meetings

### 19. General provisions for meetings

- (1) A local authority must hold the meetings that are necessary for the good government of its region or district.
- (2) A member of a local authority, or of a committee of a local authority, has, unless lawfully excluded, the right to attend any meeting of the local authority or committee.
- (3) A meeting of a local authority must be called and conducted in accordance with—
  - (a) this schedule; and
  - (b) Part 7 of the Local Government Official Information and Meetings Act 1987; and
  - (c) the standing orders of the local authority.
- (4) A local authority must hold meetings at the times and places that it appoints.
- (5) Unless clause 22 applies, the chief executive must give notice in writing to each member of the time and place of an ordinary meeting—
  - (a) not less than 14 days before the meeting; or
  - (b) if the local authority has adopted a schedule of meetings, not less than 14 days before the first meeting on the schedule.
- (6) If a local authority adopts a schedule of meetings,—
  - (a) the schedule—
    - (i) *may cover any future period that the local authority considers appropriate; and*
    - (ii) *may be amended; and*
  - (b) notification of the schedule or of any amendment to that schedule constitutes a notification of every meeting on the schedule or amendment.

Cf 1974 No 66 ss 114C, 114E

### 20. Meetings not invalid because notice not given

- (1) A meeting of a local authority is not invalid if notice of that meeting was not received, or not received in due time, by a member of the local authority unless—

- (a) it is proved that the person responsible for giving notice of the meeting acted in bad faith or without reasonable care; and
  - (b) the member concerned did not attend the meeting.
- (2) A member of a local authority may waive any requirement regarding the giving of notice of a meeting to that member.

Cf 1974 No 66 s 114H

**21. First meeting of local authority following triennial general election of members**

- (1) The first meeting of a local authority following a triennial general election of members must be called by the chief executive as soon as practicable after the results of the election are known.
- (2) The chief executive must give the persons elected to the local authority not less than 7 days' notice of the meeting.
- (3) Despite subclause (2), if an emergency exists, the chief executive may give notice of the meeting as soon as practicable.
- (4) The chief executive (or, in the absence of the chief executive, a nominee of that officer) must chair the meeting until the mayor or chairperson has made and attested the declaration required under clause 14.
- (5) The business that must be conducted at the meeting must include—
  - (a) the making and attesting of the declarations required of the mayor (if any) and members under clause 14; and
  - (b) the election of the chairperson (if any) and the making and attesting of the declaration required of the chairperson under clause 14; and
  - (c) a general explanation, given or arranged by the chief executive, of—
    - (i) *the Local Government Official Information and Meetings Act 1987; and*
    - and*
    - (ii) *other laws affecting members, including—*
      - (A) *the appropriate provisions of the Local Authorities (Members' Interests) Act 1968; and*
      - (B) *sections 99, 105, and 105A of the Crimes Act 1961; and*
      - (C) *the Secret Commissions Act 1910; and*
      - (D) *the Securities Act 1978; and*
  - (d) the fixing of the date and time of the first meeting of the local authority, or the adoption of a schedule of meetings; and
  - (e) the election of the deputy mayor or deputy chairperson in accordance with clause 17.

Cf 1974 No 66 s 114D

## **22. Extraordinary meetings**

- (1) Despite clause 19(4) to (6), if a resolution or requisition specifies the time and place at which the meeting is to be held and the general nature of the business to be brought before the meeting, a meeting may be called by—
  - (a) a resolution of the local authority; or
  - (b) a requisition in writing delivered to the chief executive and signed by—
    - (i) *the mayor or chairperson; or*
    - (ii) *not less than one-third of the total membership of the local authority (including vacancies).*
- (2) Despite clause 19(4) to (6), if the business to be dealt with requires a meeting to be held at a time earlier than is allowed by the notice requirements specified in subclause (3), a meeting may be called by—
  - (a) the mayor or chairperson; or
  - (b) if the mayor or chairperson are unavailable, the chief executive.
- (3) Notice in writing of the time and place of the meeting called under subclause (1) and of the general nature of business must be given by the chief executive to each member of the local authority—
  - (a) at least 3 working days before the day appointed for the meeting; or
  - (b) if the meeting is called by a resolution, within a lesser period of notice that is specified in the resolution, being not less than 24 hours.
- (4) Notice of the time and place of a meeting called under subclause (2) and of the matters in respect of which the meeting is being called must be given by the person calling the meeting or by another person on that person's behalf, by whatever means is reasonable in the circumstances, to each member of the local authority and to the chief executive at least 24 hours before the time appointed for the meeting.

Cf 1974 No 66 ss 114F, 114G

## **Conduct of meetings**

### **23. Quorum of councils and committees**

- (1) A meeting is duly constituted if a quorum is present, whether or not all of the members are voting or entitled to vote.
- (2) Business may not be transacted at any meeting unless at least a quorum of members is present during the whole of the time at which the business is transacted.
- (3) The quorum at a meeting of—

- (a) a local authority consists of—
  - (i) *half of the members if the number of members (including vacancies) is even; or*
  - (ii) *a majority of members if the number of members (including vacancies) is odd; and*
- (b) a committee—
  - (i) *is not fewer than 2 members of the committee (as determined by the local authority or committee that appoints the committee); and*
  - (ii) *in the case of a committee other than a subcommittee, must include at least 1 member of the local authority.*

Cf 1974 No 66 s 114I

## **24. Voting**

- (1) The acts of a local authority must be done, and the questions before the local authority must be decided, at a meeting by—
  - (a) vote; and
  - (b) the majority of members that are present and voting.
- (2) For the purposes of subsection (1), the mayor or chairperson or other person presiding at the meeting—
- (3) An act or question coming before a local authority must be done or decided by open voting.
- (4) Subsections (1) and (2) apply unless—
  - (a) this Act provides otherwise; or
  - (b) the standing orders of the local authority expressly provide otherwise.

Cf 1974 No 66 s 114J

## **25. Voting systems for certain appointments**

- (1) This clause applies to—
  - (a) the election or appointment of the chairperson and deputy chairperson of a regional council; and
  - (b) the election or appointment of the deputy mayor; and
  - (c) the election or appointment of the chairperson and deputy chairperson of a committee; and

- (d) the election or appointment of a representative of a local authority.
- (2) If this clause applies, a local authority or a committee (if the local authority has so directed) must determine by resolution that a person be elected or appointed by using one of the following systems of voting:—
- (a) the voting system in subclause (3) (system A):
  - (b) the voting system in subclause (4) (system B).
- (3) System A—
- (a) requires that a person is elected or appointed if he or she receives the votes of a majority of the members of the local authority or committee present and voting; and
  - (b) has the following characteristics: —
    - (i) there is a first round of voting for all candidates; and
    - (ii) if no candidate is successful in that round there is a second round of voting from which the candidate with the fewest votes in the first round is excluded; and
    - (iii) if no candidate is successful in the second round there is a third, and if necessary subsequent, round of voting from which, each time, the candidate with the fewest votes in the previous round is excluded; and
    - (iv) in any round of voting, if 2 or more candidates tie for the lowest number of votes, the person excluded from the next round is resolved by lot.
- (4) System B—
- (a) requires that a person is elected or appointed if he or she receives more votes than any other candidate; and
  - (b) has the following characteristics:
    - (i) there is only 1 round of voting; and
    - (ii) if 2 or more candidates tie for the most votes, the tie is resolved by lot.

Cf 1974 No 66 s 114K

## **26. Chairperson of meetings**

- (1) The mayor or chairperson of the local authority must preside at each meeting of the local authority at which he or she is present unless the mayor or chairperson vacates the chair for a particular meeting.

- (2) The chairperson of a committee must preside at each meeting of the committee at which he or she is present unless the chairperson vacates the chair for a particular meeting.
- (3) The local authority may appoint a member of a committee to be the chairperson of that committee and, if the local authority, on the appointment of the committee, does not appoint a chairperson, that power may be exercised by the committee.
- (4) The local authority or the committee may appoint a deputy chairperson to act in the absence of the chairperson.
- (5) If the mayor or chairperson of a local authority or the chairperson of a committee is absent from a meeting, the deputy mayor or deputy chairperson (if any) of the local authority or committee must preside.
- (6) However, if a deputy mayor or deputy chairperson has not been appointed, or if the deputy mayor or deputy chairperson is also absent, the members of the local authority or of the committee that are present must elect 1 of their number to preside at that meeting, and that person may exercise at that meeting the responsibilities, duties, and powers of the mayor or chairperson.

Cf 1974 No 66 s 114L

### **Procedures at meetings**

#### **27. Standing orders**

- (1) A local authority must adopt a set of standing orders for the conduct of its meetings and those of its committees.
- (2) The standing orders of a local authority must not contravene this Act, the Local Government Official Information and Meetings Act 1987, or any other Act.
- (3) After the adoption of the first standing orders of the local authority, an amendment of the standing orders or the adoption of a new set of standing orders requires, in every case, a vote of not less than 75% of the members present.
- (4) A local authority or committee may temporarily suspend standing orders during a meeting by a vote of not less than 75% of the members present and voting, and the reason for the suspension must be stated in the resolution of suspension.

Cf 1974 No 66 s 114M

#### **28. Minutes of proceedings**

- (1) A local authority must keep minutes of its proceedings.
- (2) Minutes of proceedings duly entered and authenticated as prescribed by a local authority are prima facie evidence of those proceedings.

Cf 1974 No 66 s 114N

**29. Proceedings not invalidated by vacancies, irregularities, etc**

An act or proceeding of a local authority or committee, or of a person acting as a member of a local authority or committee, is not invalidated by—

- (a) a vacancy in the membership of the local authority or committee at the time of that act or proceeding; or
- (b) the subsequent discovery—
  - (i) *of some defect in the election or appointment of the person acting as a member of the local authority or committee; or*
  - (ii) *that that person was or is incapable of being a member.*

Cf 1974 No 66 s 114O

## **EXTRACT FROM LOCAL GOVERNMENT ACT SECTIONS 75-90**

### **PART 6 - PLANNING, DECISION-MAKING, AND ACCOUNTABILITY**

#### **75. Outline of Part**

This Part—

- (a) sets out obligations of local authorities in relation to the making of decisions:
- (b) states the obligations of local authorities in relation to the involvement of Maori in decision-making processes:
- (c) states the obligations of local authorities in relation to consultation with interested and affected persons:
- (d) sets out the nature and use of the special consultative procedure:
- (e) sets out a process for identifying and reporting on community outcomes:
- (f) prescribes the processes and general content of the long-term council community plan, the annual plan, and the annual report (all of which are prescribed in more detail in Schedule 10):
- (g) prescribes the obligations of local authorities in relation to financial management:
- (h) provides for borrowing by local authorities.

### **SUBPART 1—PLANNING AND DECISION-MAKING**

#### **Decision-making**

#### **76. Decision-making**

- (1) Every decision made by a local authority must be made in accordance with such of the provisions of sections 77, 78, 80, 81, and 82 as are applicable.
- (2) Subsection (1) is subject, in relation to compliance with sections 77 and 78, to the judgments made by the local authority under section 79.
- (3) A local authority—
  - (a) must ensure that, subject to subsection (2), its decision-making processes promote compliance with subsection (1); and
  - (b) in the case of a significant decision, must ensure, before the decision is made, that subsection (1) has been appropriately observed.

- (4) For the avoidance of doubt, it is declared that, subject to subsection (2), subsection (1) applies to every decision made by or on behalf of a local authority, including a decision not to take any action.
- (5) Where a local authority is authorised or required to make a decision in the exercise of any power, authority, or jurisdiction given to it by this Act or any other enactment or by any bylaws, the provisions of subsections (1) to (4) and the provisions applied by those subsections, unless inconsistent with specific requirements of the Act, enactment, or bylaws under which the decision is to be made, apply in relation to the making of the decision.
- (6) This section and the sections applied by this section do not limit any duty or obligation imposed on a local authority by any other enactment.

## **77. Requirements in relation to decisions**

- (1) A local authority must, in the course of the decision-making process,—
  - (a) seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
  - (b) assess those options by considering—
    - (i) *the benefits and costs of each option in terms of the present and future social, economic, environmental, and cultural well-being of the district or region; and*
    - (ii) *the extent to which community outcomes would be promoted or achieved in an integrated and efficient manner by each option; and*
    - (iii) *the impact of each option on the local authority's capacity to meet present and future needs in relation to any statutory responsibility of the local authority; and*
    - (iv) *any other matters that, in the opinion of the local authority, are relevant; and*
  - (c) if any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Maori and their culture and traditions with their ancestral land, water, sites, waahi tapu, valued flora and fauna, and other taonga.
- (2) This section is subject to section 79.

## **78. Community views in relation to decisions**

- (1) A local authority must, in the course of its decision-making process in relation to a matter, give consideration to the views and preferences of persons likely to be affected by, or to have an interest in, the matter.
- (2) That consideration must be given at—

- (a) the stage at which the problems and objectives related to the matter are defined:
  - (b) the stage at which the options that may be reasonably practicable options of achieving an objective are identified:
  - (c) the stage at which reasonably practicable options are assessed and proposals developed:
  - (d) the stage at which proposals of the kind described in paragraph (c) are adopted.
- (3) A local authority is not required by this section alone to undertake any consultation process or procedure.
- (4) This section is subject to section 79.

**79. Compliance with procedures in relation to decisions**

- (1) It is the responsibility of a local authority to make, in its discretion, judgments—
- (a) about how to achieve compliance with sections 77 and 78 that is largely in proportion to the significance of the matters affected by the decision; and
  - (b) about, in particular,—
    - (i) *the extent to which different options are to be identified and assessed; and*
    - (ii) *the degree to which benefits and costs are to be quantified; and*
    - (iii) *the extent and detail of the information to be considered; and*
    - (iv) *the extent and nature of any written record to be kept of the manner in which it has complied with those sections.*
- (2) In making judgments under subsection (1), a local authority must have regard to the significance of all relevant matters and, in addition, to—
- (a) the principles set out in section 14; and
  - (b) the extent of the local authority's resources; and
  - (c) the extent to which the nature of a decision, or the circumstances in which a decision is taken, allow the local authority scope and opportunity to consider a range of options or the views and preferences of other persons.
- (3) The nature and circumstances of a decision referred to in subsection (2)(c) include the extent to which the requirements for such decision-making are prescribed in or under any other enactment (for example, the Resource Management Act 1991).
- (4) Subsection (3) is for the avoidance of doubt.

## **80. Identification of inconsistent decisions**

- (1) If a decision of a local authority is significantly inconsistent with, or is anticipated to have consequences that will be significantly inconsistent with, any policy adopted by the local authority or any plan required by this Act or any other enactment, the local authority must, when making the decision, clearly identify—
  - (a) the inconsistency; and
  - (b) the reasons for the inconsistency; and
  - (c) any intention of the local authority to amend the policy or plan to accommodate the decision.
- (2) Subsection (1) does not derogate from any other provision of this Act or of any other enactment.

## **81. Contributions to decision-making processes by Maori**

- (1) A local authority must—
  - (a) establish and maintain processes to provide opportunities for Maori to contribute to the decision-making processes of the local authority; and
  - (b) consider ways in which it may foster the development of Maori capacity to contribute to the decision-making processes of the local authority; and
  - (c) provide relevant information to Maori for the purposes of paragraphs (a) and (b).
- (2) A local authority, in exercising its responsibility to make judgments about the manner in which subsection (1) is to be complied with, must have regard to—
  - (a) the role of the local authority, as set out in section 11; and
  - (b) such other matters as the local authority considers on reasonable grounds to be relevant to those judgments.

## **Consultation**

### **82. Principles of consultation**

- (1) Consultation that a local authority undertakes in relation to any decision or other matter must be undertaken, subject to subsections (3) to (5), in accordance with the following principles:

- (a) that persons who will or may be affected by, or have an interest in, the decision or matter should be provided by the local authority with reasonable access to relevant information in a manner and format that is appropriate to the preferences and needs of those persons:
  - (b) that persons who will or may be affected by, or have an interest in, the decision or matter should be encouraged by the local authority to present their views to the local authority:
  - (c) that persons who are invited or encouraged to present their views to the local authority should be given clear information by the local authority concerning the purpose of the consultation and the scope of the decisions to be taken following the consideration of views presented:
  - (d) that persons who wish to have their views on the decision or matter considered by the local authority should be provided by the local authority with a reasonable opportunity to present those views to the local authority in a manner and format that is appropriate to the preferences and needs of those persons:
  - (e) that the views presented to the local authority should be received by the local authority with an open mind and should be given by the local authority, in making a decision, due consideration:
  - (f) that persons who present views to the local authority should be provided by the local authority with information concerning both the relevant decisions and the reasons for those decisions.
- (2) A local authority must ensure that it has in place processes for consulting with Maori in accordance with subsection (1).
- (3) The principles set out in subsection (1) are, subject to subsections (4) and (5), to be observed by a local authority in such manner as the local authority considers, in its discretion, to be appropriate in any particular instance.
- (4) A local authority must, in exercising its discretion under subsection (3), have regard to—
- (a) the requirements of section 78; and
  - (b) the extent to which the current views and preferences of persons who will or may be affected by, or have an interest in, the decision or matter are known to the local authority; and
  - (c) the nature and significance of the decision or matter, including its likely impact from the perspective of the persons who will or may be affected by, or have an interest in, the decision or matter; and
  - (d) the provisions of Part 1 of the Local Government Official Information and Meetings Act 1987 (which Part, among other things, sets out the circumstances in which there is good reason for withholding local authority information); and

- (e) the costs and benefits of any consultation process or procedure.
- (5) Where a local authority is authorised or required by this Act or any other enactment to undertake consultation in relation to any decision or matter and the procedure in respect of that consultation is prescribed by this Act or any other enactment, such of the provisions of the principles set out in subsection (1) as are inconsistent with specific requirements of the procedure so prescribed are not to be observed by the local authority in respect of that consultation.

### **83. Special consultative procedure**

- (1) Where this Act or any other enactment requires a local authority to use or adopt the special consultative procedure, that local authority must—
- (a) prepare—
    - (i) *a statement of proposal; and*
    - (ii) *a summary of the information contained in the statement of proposal (which summary must comply with section 89); and*
  - (b) include the statement of proposal on the agenda for a meeting of the local authority; and
  - (c) make the statement of proposal available for public inspection at—
    - (i) *the principal public office of the local authority; and*
    - (ii) *such other places as the local authority considers necessary in order to provide all ratepayers and residents of the district with reasonable access to that statement; and*
  - (d) distribute in accordance with section 89(c) the summary of the information contained in the statement of proposal; and
  - (e) give public notice, and such other notice as the local authority considers appropriate, of the proposal and the consultation being undertaken; and
  - (f) include in the public notice a statement about how persons interested in the proposal—
    - (i) *may obtain the summary of information about the proposal; and*
    - (ii) *may inspect the full proposal; and*
  - (g) include in the public notice a statement of the period within which submissions on the proposal may be made to the local authority; and
  - (h) ensure that any person who makes a submission on the proposal within that period—
    - (i) *is sent a written notice acknowledging receipt of that person's submission; and*
    - (ii) *is given a reasonable opportunity to be heard by the local authority (if that person so requests); and*

- (i) ensure that the notice given to a person under paragraph (h)(i) contains information—
    - (i) *advising that person of that person's opportunity to be heard; and*
    - (ii) *explaining how that person may exercise that person's opportunity to be heard; and*
  - (j) ensure that, except as otherwise provided by Part 7 of the Local Government Official Information and Meetings Act 1987, every meeting at which submissions are heard or at which the local authority, community board, or committee deliberates on the proposal is open to the public; and
  - (k) subject to the Local Government Official Information and Meetings Act 1987, make all written submissions on the proposal available to the public.
- (2) The period specified in the statement included under subsection (1)(g) must be a period of not less than 1 month beginning with the date of the first publication of the public notice.
- (3) This section does not prevent a local authority from requesting or considering, before making a decision, comment or advice from an officer of the local authority or any other person in respect of the proposal or any submission or both.

Cf 1974 No 66 s 716A

### **83A Combined or concurrent consultation**

- (1) Where this Act or any other enactment requires a local authority to use or adopt the special consultative procedure in relation to any decision or matter, it may (but is not required to) carry out the consultation at the same time as, or combined with, any other special consultative procedure that it is required to carry out under this or any other enactment.
- (2) This section—
  - (a) applies except to the extent that this Act or any other enactment expressly provides otherwise; and
  - (b) is for the avoidance of doubt.

### **84. Special consultative procedure in relation to long-term council community plan**

- (1) Where the special consultative procedure is used in relation to the adoption of a long-term council community plan under section 93, the statement of proposal referred to in section 83(1)(a) must include a draft of the long-term council community plan.

- (2) Where the special consultative procedure is used in relation to the amendment of a long-term council community plan under section 93, the statement of proposal referred to in section 83(1)(a)—
- (a) must include a draft of the parts of the long-term council community plan that are proposed to be amended; and
  - (b) must be accompanied by a draft of any consequential amendments to the long-term council community plan that will be required if it is amended in the manner proposed.
- (3) Where a statement of proposal to which subsection (1) or subsection (2) applies relates to a proposal for the making of a decision to which section 97 applies, that statement of proposal must (unless the making of that decision was explicitly provided for in the long-term council community plan last adopted by the local authority) include—
- (a) the details of the proposal; and
  - (b) the reasons for the proposal; and
  - (c) an analysis of the reasonably practicable options, including the proposal, identified under section 77(1); and
  - (d) in respect of a proposal to transfer ownership or control of a strategic asset from the local authority to any other person,—
    - (i) *a description of any accountability or monitoring arrangements to be used to assess the performance of that person and any other person in regard to the asset; and*
    - (ii) *an assessment of whether there are any conflicts of interest arising from the proposed transfer of the control or ownership of the asset, and, if so, what they are and how they will be managed; and*
  - (e) in respect of a proposal that the local authority assume or cease responsibility for an activity,—
    - (i) *an assessment of the possible effects on other current providers of the activity; and*
    - (ii) *an assessment of whether there are any conflicts of interest arising from the proposal, and, if so, what they are and how they will be managed.*
- (4) A statement of proposal to which subsection (1) or subsection (2) applies must also contain a report from the local authority's auditor on—
- (a) the extent to which the statement complies with the requirements of this Act; and
  - (b) the quality of the information and assumptions underlying the forecast information provided in the statement; and

- (c) the extent to which the forecast information and proposed performance measures will provide an appropriate framework for the meaningful assessment of the actual levels of service provision.
- (5) For the avoidance of doubt, the report under subsection (4) must not comment on the merits of any policy content of the statement.

**85. Use of special consultative procedure in relation to annual plan**

- (1) Where the special consultative procedure is used in relation to the adoption of an annual plan under section 95, the statement of proposal referred to in section 83(1)(a) must include a draft of the annual plan.
- (2) A statement of proposal to which subsection (1) applies must also include—
  - (a) the information that, under clause 2(2) of Schedule 10, is specified, in relation to the year to which the draft annual plan relates, in the long-term council community plan in relation to each group of activities; and
  - (b) the reasons why any information included in the draft annual plan departs from information specified, in relation to the year to which the draft annual plan relates, in the long-term council community plan; and
  - (c) if it is proposed that the making of an amendment to the long-term council community plan and the adoption of the annual plan should take place concurrently, the summary under section 89 in relation to the amendment.

**86. Use of special consultative procedure in relation to making, amending, or revoking bylaws**

- (1) This section applies to the following:
  - (a) making a bylaw to which section 156 applies:
  - (b) amending a bylaw to which section 156 applies (other than under subsection (2) of that section):
  - (c) revoking a bylaw to which section 156 applies.
- (2) Where the special consultative procedure is used in relation to an activity described in subsection (1), the statement of proposal referred to in section 83(1)(a) must include,—
  - (a) as the case may be,—
    - (i) a draft of the bylaw as proposed to be made or amended; or
    - (ii) a statement that the bylaw is to be revoked; and
  - (b) the reasons for the proposal; and

- (c) a report on any relevant determinations by the local authority under section 155.

**87. Other use of special consultative procedure**

- (1) This section applies in any case where—
  - (a) none of sections 84 to 86 apply but a local authority is required to use or adopt the special consultative procedure; or
  - (b) a local authority chooses to use the special consultative procedure.
- (2) In any case to which this section applies, the statement of proposal referred to in section 83(1)(a) is,—
  - (a) if a plan or policy or similar document is proposed to be adopted, a draft of the proposed plan, policy, or document; and
  - (b) in any other case, a detailed statement of the proposal.
- (3) A statement of proposal under subsection (2)(b) must include—
  - (a) a statement of the reasons for the proposal; and
  - (b) an analysis of the reasonably practicable options, including the proposal, identified under section 77(1); and
  - (c) any other information that the local authority identifies as relevant.

**88. Use of special consultative procedure in relation to change of mode of delivery of significant activity**

- (1) A local authority must use the special consultative procedure in relation to any proposal for an alteration (of the kind described in subsection (2)) in the mode by which a significant activity is undertaken by or on behalf of the local authority.
- (2) The kind of alteration to which subsection (1) refers is an alteration that involves—
  - (a) a change from delivery of the activity by the local authority itself to delivery of the activity by a council-controlled organisation in which the local authority is a shareholder; or
  - (b) a change from delivery of the activity by the local authority itself to delivery of the activity by another organisation or person; or

- (c) a change from delivery of the activity by a council-controlled organisation in which the local authority is a shareholder to delivery of the activity by another organisation or person.
- (3) This section does not apply if—
- (a) the proposed decision on the proposal is explicitly provided for in the council's long-term council community plan; and
  - (b) the proposal to provide for the decision was included in a statement of proposal under section 84.
- (4) In the case of any proposal to which this section applies, the statement of proposal referred to in section 83(1)(a) is—
- (a) a detailed statement of the proposal; and
  - (b) a statement of the reasons for the proposal; and
  - (c) an analysis of the reasonably practicable options, including the proposal, identified under section 77(1); and
  - (d) any other information that the local authority identifies as relevant.

#### **89. Summary of information**

A summary of the information contained in a statement of proposal must—

- (a) be a fair representation of the major matters in the statement of proposal; and
- (b) be in a form determined by the local authority; and
- (c) be distributed as widely as reasonably practicable (in such manner as is determined appropriate by the local authority, having regard to the matter to which the proposal relates) as a basis for general consultation; and
- (d) indicate where the statement of proposal may be inspected, and how a copy may be obtained; and
- (e) state the period within which submissions on the proposal may be made to the local authority.

#### **90. Policy on significance**

- (1) Every local authority must adopt a policy setting out—

- (a) that local authority's general approach to determining the significance of proposals and decisions in relation to issues, assets, or other matters; and
  - (b) any thresholds, criteria, or procedures that are to be used by the local authority in assessing the extent to which issues, proposals, decisions, or other matters are significant.
- (2) The policy adopted under subsection (1) must list the assets considered by the local authority to be strategic assets.
- (3) A policy adopted under subsection (1) may be amended from time to time.
- (4) A local authority must use the special consultative procedure both in relation to—
- (a) the adoption of a policy under subsection (1); and
  - (b) the amendment, under subsection (3), of a policy adopted under subsection (1).

## THAMES VALLEY COMBINED DISTRICT CIVIL DEFENCE COMMITTEE

### Purpose

- 1) To ensure that the Hauraki District Council:
  - a) Improves and promotes the sustainable management of hazards in a way that contributes to the social, economic, cultural and environmental well-being and safety of the public and to the safety of property within the district;
  - b) Encourages and enables its communities to achieve acceptable levels of risk; and
  - c) Provides for planning and preparation for emergencies and for response and recovery in the event of an emergency within the district.
- 2) To develop closer integration between local authorities and agencies involved in emergency management to improve the District's local capability to deal with emergencies.

### Responsibilities

On behalf of the Hauraki District Council, the Thames Valley Combined District Civil Defence Committee Representatives shall have specific responsibility for:

- 1) Ensuring that Hauraki District Council's legislative obligations in respect to emergency management are being met. The legislative provisions include, but are not limited to:
  - a) Civil Defence Act 1983
  - b) Forest and Rural Fires Act 1977
  - c) Any enactment passed in substitution of any of the Acts in (a) and (b).
- 2) Developing effective working relationships with members of the Thames Valley Combined District Civil Defence Committee, its sub-committees and other emergency service agencies;
- 3) Advocating for the emergency management needs of the Hauraki District in local, regional and national forums.
- 4) Recommending changes and improvements in the way emergency management is administered and delivered by the Thames Valley Combined District Civil Defence Committee.
- 5) Ensuring that the Hauraki District Council is kept informed of emergency management issues.
- 6) Reviewing and recommending improvements or changes to Hauraki District Council emergency management policy and procedures.

### **Delegations**

In order to carry out their specific responsibilities, the Thames Valley Combined District Civil Defence Committee Representatives are delegated authority to:

- 1) Vote on matters included in the Thames Valley Combined District Civil Defence Committee order papers, in accordance with:
  - a) the constitution of the Thames Valley Combined District Civil Defence Committee; and
  - b) approved Hauraki District Council policy.
- 2) Represent Hauraki District Council at ceremonial functions associated with this role;
- 3) Advocate on emergency management issues on behalf of Hauraki District Council in accordance with approved Council policy or guidelines;

Without prior approval from Hauraki District Council, the representatives do not have delegated authority to:

- 1) appoint a deputy;
- 2) commit Hauraki District Council to contractual obligations or expenditure; or
- 3) approve changes to the Thames Valley Combined District Civil Defence Committee constitution.

### **Representation**

The authorised representatives for the Thames Valley Combined District Civil Defence Committee shall be:

- The Mayor
- Councillor, Colin Francis

### **Relationships with Other Parties**

Although representatives are encouraged to develop relationships with emergency service providers in the community to acquire an awareness of local emergency management issues, the representatives do not have any authority to become involved in operational activities.

Thames-Coromandel District Council, as administering authority in accordance with the Civil Defence Act 1983, employs the members of the Emergency Planning Unit, including the Civil Defence Officer and the Principal Rural Fire Officer. However, the primary role of the Emergency Planning Unit is to provide emergency management services for the Thames Valley Combined District Civil Defence Committee. Consequently, the collective decisions or instructions of the Thames Valley Combined District Civil Defence Committee may only be conveyed to the Emergency Planning Unit staff through the Chief Executive Officer, Thames-Coromandel District Council.



**Conduct of Affairs**

The representatives shall conduct their affairs in accordance with the *Local Government Act 2002*, the *Local Government Official Information and Meetings Act 1974*, the *Local Authorities (Members' Interests) Act 1968*, and Standing Orders.

**Administrative Support**

The Hauraki District Council will provide administrative support to the representatives as required.

## WAIKATO CIVIL DEFENCE EMERGENCY MANAGEMENT GROUP

### Purpose

- 2) To ensure that the Hauraki District Council:
  - a) Improves and promotes the sustainable management of hazards in a way that contributes to the social, economic, cultural and environmental well-being and safety of the public and to the safety of property within the district;
  - b) Encourages and enables its communities to achieve acceptable levels of risk; and
  - c) Provides for planning and preparation for emergencies and for response and recovery in the event of an emergency within the district.
- 3) To develop closer integration between local authorities and agencies involved in emergency management to improve the District's local capability to deal with emergencies.
- 4) To ensure that Council's legislative requirements under the Civil Defence Emergency Management Act 2002 are met.

### Responsibilities

On behalf of the Hauraki District Council, the Waikato Civil Defence Emergency Management (CDEM) Group Representative (or in his/her absence, the alternate representative) shall have specific responsibility for:

- 1) Ensuring that Hauraki District Council's legislative obligations, under the Civil Defence Emergency Management Act 2002, in relation to the Waikato Civil Defence Emergency Management Group are met, including individual and collective responsibility for the following functions:<sup>1</sup>
  - a) *CDEM coordination*: Coordinating across local authorities the planning, programmes, and activities related to CDEM across the areas of reduction, readiness, response, and recovery;
  - b) *Risk management*: Carrying out hazard and risk management including identification, assessment, cost-effective reduction, consultation and communication;
  - c) *Planning for CDEM*: Developing, implementing, monitoring and reviewing a CDEM Group Plan;
  - d) *Delivering CDEM*: Maintaining and providing (or arranging for):
    - i) *Material, services information and other resources for effective CDEM*
    - ii) *Suitably trained and competent personnel, including volunteers, to carry out DEM within an appropriate organisational structure*

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<sup>1</sup> Director's Guidelines for Local Authorities and Emergency Services (DGL 1/02) "Working Together: The Formation of CDEM Groups", p7.

- iii) Response and recovery activities*
  - iv) Assistance to other CDEM Groups*
- 2) Developing effective working relationships with members of the Waikato Civil Defence Emergency Management Group, its committees and the other emergency management agencies;
- 3) Advocating for the emergency management needs of the Hauraki District and the Thames Valley Emergency Operating Area;
- 4) Reporting back to the Hauraki District Council (and Thames Valley Combined District Civil Defence Committee, as appropriate) following meetings of the Waikato Civil Defence Emergency Management Group;
- 5) Considering and, as appropriate, recommending improvements or changes to Hauraki District Council and Thames Valley Emergency Operating Area emergency management policy, plans and procedures to maintain consistency with the Waikato Civil Defence Emergency Management Group policy, plans and procedures; and
- 6) Liaising with the Hauraki District Council officer appointed to the Coordinating Executive Group (CEG) to ensure that all parties are kept informed of relevant emergency management issues.

### **Delegations**

In order to carry out his/her specific responsibilities, the Waikato Civil Defence Emergency Management Group Representative (or in his/her absence, the alternate representative) is delegated authority to:

- 1) Vote on matters included in the Waikato Civil Defence Emergency Management Group order papers, in accordance with:
  - a) the constituting agreement of the Waikato Civil Defence Emergency Management Group; and
  - b) approved Hauraki District Council policy and plans.  
(Note: Consideration should also be given to the agreed position of the Thames Valley Combined District Civil Defence Committee).
- 2) Commit to action and expenditure on behalf of the Hauraki District Council within approved CDEM Group budgets;
- 3) Undertake such functions as are approved and allocated by the Waikato Civil Defence Emergency Management Group to meet the obligations of the Group;
- 4) Advocate on emergency management issues on behalf of Hauraki District Council in accordance with approved Council policy or guidelines;
- 5) Act as Council's spokesperson on matters relating to the Waikato Civil Defence Emergency Management Group in accordance with approved Council policy or guidelines; and

- 6) Represent Hauraki District Council at ceremonial functions associated with this role.

Without prior approval from Hauraki District Council, the representative does not have delegated authority to:

- 1) commit Hauraki District Council to contractual obligations or expenditure; or
- 2) approve changes to the Waikato Civil Defence Emergency Management Group constituting agreement.

### **Representation**

The authorised representatives for the Waikato Civil Defence Emergency Management Group shall be:

-  The Mayor
-  Councillor Colin Francis (alternate representative to act in the absence of the Mayor)

Note: Under the Civil Defence Emergency Management Act 2002 s13 (4), each local authority that is a member of a Civil Defence Emergency Management Group with other local authorities must be represented on the Group by 1, and only 1, person, being the mayor or chairperson of that local authority or an elected person from that local authority who has delegated authority to act for the mayor or chairperson.

### **Relationships with Other Parties**

Although representatives are encouraged to develop relationships with emergency service providers in the community to acquire an awareness of local emergency management issues, the representatives do not have delegated authority from Council for emergency management operational activities, except in accordance with the approved Thames Valley Combined District Civil Defence Plan.

The Hauraki District Council representatives on the Waikato Civil Defence Emergency Management Group are also representatives on the Thames Valley Combined District Civil Defence Committee. While some operating arrangements may vary to meet local conditions, there is an expectation that key arrangements for emergency management governance and management will be consistent at a local, regional and national level.

Thames-Coromandel District Council employs the members of the Emergency Planning Unit, whose the primary role is to provide emergency management services for the Thames Valley Combined District Civil Defence Committee. The collective decisions or instructions of the Waikato Civil Defence Emergency Management Group or Thames Valley Combined District Civil Defence Committee may only be conveyed to the Emergency Planning Unit staff through the Chief Executive Officer, Thames-Coromandel District Council.

### **Conduct of Affairs**

The representatives shall conduct their affairs in accordance with the *Local Government Act 2002*, the *Local Government Official Information and Meetings Act 1987*, the *Local Authorities (Members' Interests) Act 1968*, Standing Orders and approved Hauraki District Council policies and plans.

### **Administrative Support**

The Hauraki District Council will provide administrative support to the representatives as required.

## GENERAL LEGISLATION

*We have prepared this list to be as complete possible, but there may be additional legislation not listed. If you are aware of any legislation that may be relevant and not included in this list, please contact Hauraki District Council.*

Airport Authorities Act 1966	Earthquake Commissions Act 1993
Animals Law Reform Act 1989	Electricity Act 1992
Animal Products (Ancillary and Transitional Provisions) Act 1999	Employment Relations Act 2000
Arts Council of New Zealand Toi Aotearoa Act 1994	Energy Companies Act 1992
Auctioneers Act 1928	Fair Trading Act 1986
Biosecurity Act 1993	Fencing Act 1978
Building Act 2004	Fencing of Swimming Pools Act 1987
Building Research Levy Act 1969	Financial Reporting Act 1993
Burial and Cremation 1964	Fire Service Act 1975
Bylaws Act 1910	Food Act 1981
Cadastral Survey Act 2002	Foreshore and Seabed Act 2004
Children's Health Camps Board Dissolution Act 1999	Forest and Rural Fires Act 1977
Citizenship Act 1977	Gambling Act 2003
Civil Aviation Act 1990	Gas Act 1992
Civil Defence Emergency Management Act 2002	Goods and Services Tax Act 1985
Civil List Act 1979	Health Act 1956
Commerce Act 1986	Health and Safety in Employment Act 1992
Companies Act 1993	Historic Places Act 1993
Conservation Act 1987	Housing Act 1955
Consumer Guarantees Act 1993	Housing Corporation Act 1974
Copyright Act 1994	Human Rights Act 1993
Crown Minerals Act 1991	Impounding Act 1955
Disabled Persons Community Welfare Act 1975	Income Tax Act 2004
District Courts Act 1947	Insolvency Act 2006
Dog Control Act 1996	Interpretation Act 1999
	Land Act 1948
	Land Drainage Act 1908
	Land Transfer Act 1952
	Land Transport Act 1998

Libraries Mechanics Institute Act 1968	Residential Tenancies Act 1986
Local Electoral Act 2001	Resource Management Act 1991
Local Government (Rating) Act 2002	Sale of Liquor Act 1989
Local Government Act 2002	Secret Commissions Act 1910
Local Government Official Information and Meetings Act 1987	Securities Act 1978
Machinery Act 1950	Securities Transfer Act 1991
Minimum Wage Act 1983	Smoke-free Environments Act 1990
Municipal Insurance Act 1960	Soil Conservation and Rivers Control Act 1941
National Provident Fund Restructuring Act 1990	Sovereign's Birthday Observance Act 1952
New Zealand Bill of Rights Act 1990	Standards Act 1988
New Zealand Geographic Board Act 1946	Statutes Amendment Acts 1936-1951
New Zealand Library Association Act 1939	Statutory Land Charges Registration Act 1928
New Zealand Walkways Act 1990	Summary Offences Act 1981
Oaths and Declarations Act 1957	Te Ture Whenua Maori Act 1993/Maori Land Act 1993
Ombudsmen Act 1975	Telecommunications (Residual Provisions) Act 1987
Petroleum Act 1937	Telecommunications Act 2001
Plumbers and Gasfitters and Drainlayers Act 1976	Transit New Zealand Act 1989
Privacy Act 1993	Transport Act 1962
Property Law Act 1952	Treaty of Waitangi Act 1975
Property Law Act 2007	Trespass act 1980
Prostitution Reform Act 2003	Trustee Act 1956
Public Bodies Contracts Act 1959	Unit Titles Act 1972
Public Bodies Leases Act 1969	Wild Animal Control Act 1977
Public Works Act 1981	Wildlife Act 1953
Queen Elizabeth the Second National Trust Act 1977	
Railways Act 2005	
Rates Rebate Act 1973	
Rating Valuations Act 1998	
Remuneration Authority Act 1977	
Reserves Act 1977	

